

BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition  
for Reduction of Penalty or Early  
Termination of Probation of:

CASEY FINN, O.D.,

Optometrist License No. 8638,

Petitioner.

OAH No. 2011060859

Agency Case No. CC 2005-104

**DECISION**

A quorum of the Board of Optometry (Board) heard this matter on June 21, 2011, in Los Angeles, California. The members of the Board present were Lee A. Goldstein, O.D., President; Alejandro Arredondo, O.D., Vice President; Donna Burke; Monica Johnson; Alexander Kim; Kenneth Lawenda, O.D.; and Fred Naranjo.

Jessica Sieferman, the Board's Enforcement staff, was also present during the proceedings.

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings was present at the hearing and during the consideration of the case, in accordance with Government Code section 11517.

Hooper, Lundy & Bookman, and Linda Randlett Kollar, Esq. represented Casey Finn, O.D. (Petitioner). Ms. Randlett Kollar represented Petitioner on behalf of Gould & Hahn, and Robert F. Hahn, Esq.

Michelle McCarron, Deputy Attorney General, represented the Attorney General of the State of California, pursuant to Government Code Section 11522.

The parties submitted the matter for decision, and the Board decided the case in executive session on June 21, 2011.

**FACTUAL FINDINGS**

1. On or about November 1, 2010, Petitioner filed the Petition for Reduction of Penalty or Early Termination of Probation. Petitioner seeks the early termination of his five-

year probation. He contends it is appropriate to end his probation early because he is sufficiently rehabilitated from the earlier transgressions he committed.

2. The Board issued optometry license number 8638 to Petitioner on or about February 2, 1987.

3. In approximately June 2007, the California Attorney General's Office filed an accusation against Petitioner alleging that in August 2005, the Los Angeles County Superior Court convicted Petitioner of presenting false Medi-Cal claims (a felony), that the conviction evidenced Petitioner's fraud, misrepresentations, and acts involving dishonesty, and that on January 12, 2005, Petitioner ingested methamphetamines.

4. In a Stipulated Settlement and Disciplinary Order, effective July 17, 2008, Petitioner admitted the truth of all charges and allegations in the accusation and agreed to subject his certificate of registration to discipline and to be bound by the Board's disciplinary order.

5. The Board revoked Petitioner's optometry license, stayed the revocation, and placed the license on five years probation upon various terms and conditions.

6. Petitioner's probation is set to continue until July 17, 2013.

7. On December 12, 2007, the Los Angeles County Superior Court, terminated Petitioner's criminal probation, set aside the conviction, entered a plea of not guilty, and dismissed the case, pursuant to Penal Code section 1203.4.

8. As a first-time offender with regard to his drug conviction, the sentencing court diverted Petitioner's sentence, allowing him to complete a diversion program. Petitioner participated in group therapy, drug testing, and 12-step meetings.

9. Petitioner has been mostly compliant with the Board's probationary requirements, but was untimely with some terms and conditions. The Board has no evidence that Petitioner notified the Board of his employment with Costco within 72 hours, as required by the terms and conditions of probation; however, Petitioner testified that he had. Petitioner was deemed credible, but the lack of documentary evidence remained a concern for the Board. As to other terms and conditions where Petitioner appeared untimely, the evidence established that much of the untimeliness was due to circumstances outside of Petitioner's control. For example, Petitioner could not begin biological fluid testing until the Department of Consumer Affairs had signed a contract with a testing entity. Additionally, Petitioner's community service at a local library was terminated when the library was closed due to budgetary problems. In contrast, however, Petitioner was not able to fully comply with the continuing education requirements of probation; this problem was solely due to Petitioner. However, he will have completed 41 units in the 2010-2011 period. He argued that his lack of timely compliance was due to his finances. Petitioner's untimely compliance issues were

not deemed sufficiently significant to deny Petitioner's Petition, given that most of the non-compliance issues dealt with circumstances outside of his control.

10. Regarding his drug conviction, Petitioner explained that he ingested drugs due to the anxiety and depression. He has abstained from all controlled substances, except for properly prescribed medications. With the exception of those prescribed medications, Petitioner has tested negative for controlled substances. He has been sober since January 12, 2005. Drug rehabilitation appears to have been successful; there is no indication that drug use is an on-going problem for Petitioner.

11. Regarding his billing fraud conviction, Petitioner took responsibility for his actions, but explained that he worked for a clinic that had created a fraudulent billing system of which Petitioner was unaware. However, he acknowledged signing blank Medi-Cal forms at the request of his employer. He assisted the prosecutors in convicting his employers. He explained that he has now structured his practice to avoid billing problems. He performs his own billing and he will only sign documents he has seen and fully reviewed. He is sorry for his misconduct and is now sensitized to creating proper billing and accurate records.

12. He asserted that he is a different person than when he engaged in misconduct. He has reunited with his wife and child and has a stable family life.

13. His current practice includes a largely Latino population in the California's Central Valley. He provides the low-income communities in Bakersfield with free examination services one day per year around Christmas time.

14. Petitioner submitted letters of support from Victor D. Contreras, M.D., Petitioner's primary care physician; Thomas G. O'Leary, St. Philip the Apostle Spiritual 12-Step Program Facilitator; and Richard Banuelos, his brother-in-law. They each described Petitioner as a good optometrist, who is focused on his sobriety, and an honest and trustworthy person.

### LEGAL CONCLUSIONS

1. Cause exists to grant Petitioner's Petition for Reduction of Penalty or Early Termination of Probation, pursuant to Business and Professions Code section 11522, as set forth in Factual Findings 1-14, and Legal Conclusions 2-6.

2. Petitioner bears the burden to prove, by clear and convincing evidence to a reasonable certainty, that the Board should grant his petition. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.)

3. Government Code section 11522 states in pertinent part:

A person whose license has been revoked or suspended may petition the agency for reinstatement . . . after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement.

4. California Code of Regulations, title 16, section 1516, states in pertinent part:

[¶] . . . [¶]

(b) When considering the suspension or revocation of a certificate of registration on the grounds that the registrant has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering a petition for reinstatement of a certificate of registration under Section 11522 of the Government Code, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria of rehabilitation specified in subsection (b).

5. Petitioner established, by clear and convincing evidence to a reasonable certainty, that the early termination of his probation is warranted. He has remained sober and has not engaged in any activities that would cause concern for continued drug use. He

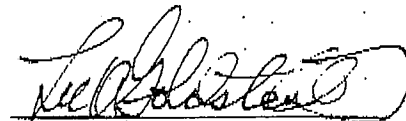
appeared remorseful for his actions regarding fraudulent billing. He has taken responsibility for his actions and taken steps to insure that he will remain mindful and careful of bills and billing documentation. Petitioner appears rehabilitated.

6. Petitioner has been willing to comply with probation but the evidence established that he was untimely in meeting the probationary requirements at times. Consequently, the Board remained uncertain about Petitioner's probationary compliance efforts, although it appears his unrestricted practice would not pose a danger to the public. In an effort to reconcile this uncertainty with the Board's generally positive findings regarding Petitioner, it concludes that probation should continue through 2011, to ensure that compliance with probation is consistent, and it further concludes that it is appropriate to end Petitioner's probation early. Probation should continue up to, and including, the end of 2011, and thereafter be terminated. In this way, and with this added time of monitoring, the Board can be fully assured that the public is safeguarded.

#### ORDER

Casey Finn's Petition for Early Termination of Probation is granted, effective January 1, 2012.

Dated: July 25, 2011



Lee A. Goldstein, O.D., President  
California Board of Optometry

Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
(916) 575-7170/(866) 585-2666  
[www.optometry.ca.gov](http://www.optometry.ca.gov)

PETITION FOR REDUCTION OF PENALTY  
OR EARLY TERMINATION OF PROBATION

No petition for reduction of penalty or early termination of probation will be entertained until one year after the effective date of the Board's disciplinary action. The decision of the petition will be made by the full Board and in accordance with the attached standards for reinstatement or reduction of penalty. Early release from probation or a modification of the terms of probation will be provided only in exceptional circumstances, such as when the Board determines that the penalty or probationary terms imposed have been excessive, considering both the violation of law charged and the supporting evidence, or when there is substantive evidence that there is no more need for the degree of probationary supervision as set forth in the original terms and conditions. As a rule, no reduction of penalty or early termination of probation will be granted unless the probationer has at all times been in compliance with the terms of probation.

PLEASE TYPE OR PRINT LEGIBLY

1. NAME (FIRST) (MIDDLE) (LAST)	CASEY JON FINN	CERTIFICATE OF REGISTRATION NO.		
2. ADDRESS (NUMBER) (STREET)	314 Lewisham ST.	DATE OF BIRTH		
(CITY) (STATE) (ZIP CODE)	Bakersfield, CA - 93311	3/29/57		
3. PHYSICAL DESCRIPTION (HEIGHT) (WEIGHT) (EYE COLOR) (HAIR COLOR)	5'9" 184 Grn BRN	TELEPHONE		
4. EDUCATION: NAME(S) OF SCHOOL(S) OR COLLEGE(S) OF OPTOMETRY ATTENDED	(805) 824-5958			
NAME OF SCHOOL	Pacific University College of Optometry			
ADDRESS (NUMBER) (STREET)				
(CITY) (STATE) (ZIP CODE)	Forest Grove, Oregon			
5. ARE YOU CURRENTLY LICENSED IN ANY OTHER STATE?	YES <input type="radio"/> NO <input checked="" type="radio"/>			
STATE	LICENSE NO.	ISSUE DATE	EXPIRATION DATE	LICENSE STATUS

6. List locations, dates, and types of practice for 5 years prior to discipline of your California license.

LOCATION	DATE FROM	DATE TO	TYPE OF PRACTICE
Ventura, CA	1999	2008	Self employed
Glendale, CA	2002	2003	Clinic
Bakersfield	2006	2008	Self employed

7. Are you or have you ever been addicted to the use of narcotic alcohol? YES ☐ NO ☒
8. Are you or have you ever suffered from a contagious disease? YES ☐ NO ☒
9. Are you or have you ever been under observation or treatment for mental disorders, alcoholism or narcotic addiction? YES ☐ NO ☒
10. Have you ever been arrested, convicted or pled no contest to a violation of any law of a foreign country, the United States, any state, or a local ordinance? you must include all convictions, including those that have been set aside under Penal Code Section 1203.4 (which includes diversion programs) YES ☐ NO ☒
11. Are you now on probation or parole for any criminal or administrative violations in this state or any other state? (Attach certified copies of all disciplinary or court documents) YES ☐ NO ☒
12. Have you ever had disciplinary action taken against your optometric license in this state or any other state? YES ☐ NO ☒

IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, YOU MUST ATTACHMENT A STATEMENT OF EXPLANATION GIVING FULL DETAILS.

ON A SEPARATE SHEET OF PAPER PROVIDE THE FOLLOWING INFORMATION

13. List the date of disciplinary action taken against your license and explain fully the cause of the disciplinary action.
14. Explain fully why you feel your license should be restored, or the disciplinary penalty reduced.
15. Describe in detail your activities and occupation since the date of the disciplinary action; include dates, employers and locations.
16. Describe any rehabilitative or corrective measures you have taken since your license was disciplined to support your petition.
17. List all post-graduate or refresher courses, with dates, location and type of course, you have taken since your license was disciplined.
18. List all optometric literature you have studied during the last year.
19. List all continuing education courses you have completed since your license was disciplined.
20. List names, addresses and telephone numbers of persons submitting letters of recommendation accompanying this petition.

I declare under penalty of perjury under the laws of the State of California that the answers and information given by me in completing this petition, and any attachments, are true and I understand and agree that any misstatements of material facts will be cause for the rejection of this petition.

Date 11/1/10 Signature [Signature]

All items of information requested in this petition are mandatory. Failure to provide any of the requested information will result in the petition being rejected as incomplete. The information will be used to determine qualifications for reinstatement, reduction of penalty or early termination of probation. The person responsible for information maintenance is the Executive Officer of the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California, 95834. This information may be transferred to another governmental agency such as a law enforcement agency, if necessary to perform its duties. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified confidential information and exempted by Section 1798.3 of the Civil Code.

14) I have complied with the conditions of my probation during the past year, which are not limited to but included fifteen hours per month community service, quarterly reports to my probation monitor, supervision by an optometrist who also submits quarterly reports, payment of the fine \$3,600. A two week suspension, and near or more than twenty random fluid testing. Beyond all of these, I have become a new and better person. I can proudly and honestly say I am a different man. I have looked inward and discovered who I really am and found my purpose in life. I believe in the power of faith and my devotion to God and dedication to my family. Through these I have transformed and while shameful of my past wrong doing I am living a healthy life and looking forward with ambition and pride to continue life's journey. I have endured this scenario that has lasted almost eight years. Not only have I learned life's lessons, I am living them and am excited about the future and what it will bring.

15) When disciplinary action took place, I was self employed at 3001 Ming Ave. Bakersfield, Ca. Then in July 2009 a better opportunity presented itself and I was a hired employee for First Sight Vision Inc. at 8400 Rosedale, Bakersfield, Ca. After being employed for one year, I was laid off. The restrictions on my license prevented credentialing by many insurance companies as a provider resulting in loss revenue for the company. I am currently self employed part time at North Chester Optometry 2022 Suite B, Bakersfield, Ca. I am seeking additional work to supplement my income.

I have been complying with the conditions of probation. I spend fifteen hours a month volunteering for the Lion's Club. I retrieve used eye glasses from different locations and sort them for the less fortunate. I am busy with continuing education courses, taking in addition to my fifty hours for my license, forty extra hours this year. Also, the activities from number 16 below.

Since the date of my disciplinary actions my activities have focused on family. Three years ago we reunited and have been living back together. I have been blessed with a wonderful, caring wife who has had a tremendous impact on the positive changes in my life. My nine year old daughter is a gift from heaven, she is so special and the center of our lives.

16) I currently attend weekly meetings at a spiritual twelve step program through my church. I attend church weekly and have read numerous books and literature for personal growth both spiritually and emotionally.

17 & 18) I completed an ethics class directed by Dr. Berman at SCCO. It involved a one on one meeting with Dr. Carnevali for over three hours. We discussed the required reading:

- What is Ethics Anyway? Josephine Institute of Ethics
- Ethics a Professional Challenge. Richard Hopping, O.D.
- Resolving Ethical Dilemmas A Guide for Clinicians. Bernard Lo
- Ethical Theories. Wikipedia

I then submitted three essays in writing based on three scenarios determined by Dr. Berman. The course was successfully completed and all materials forwarded to the Board by Dr. Berman.

19 & 20) Enclosed.



At the end of 2002, I was in need of more income to support my family. My wife was a stay-at-home mom who took care of our young daughter. I began looking for a part time position and answered an ad in the Los Angeles Times for an Optometrist one day a week at a clinic in Glendale, California. After an interview by the clinic manager, I was offered the job. While the clinic was over 60 miles from my home and with traffic, a two-hour commute each way, I accepted the position.

One day a week I performed general optometric procedures at the clinic. The patient flow was mainly of Armenian and Russian ethnicity and during the exams the clinic manager served as interpreter. I was a salaried employee receiving a paycheck every two weeks, with taxes taken out etc.

The clinic applied for use of my medical provider number for billing purposes. All billing was done by the clinic. Personally, I have never billed Medi-Cal myself and honestly don't know how.

One day I arrived at the clinic and it was surrounded by government agents. They had arrested several people including the clinic manager. The office was raided and I was taken aside and told by an agent from the Department of Justice that major Medi-Cal fraud had been taking place at the clinic. I was in complete shock. Truthfully answering his questions, I denied all and any knowledge of any fraudulent activities occurring. I told him that I was simply a one day a week employee performing Optometric procedures and the clinical manager did all of the billing, something I had no part in. The agent gave me his card, told me to get an attorney and to call him. After obtaining legal counsel an interview was arranged.

To my utter surprise and disbelief, my attorney told me I was implicated in the Medi-Cal fraud scheme. I was dumbfounded and shocked. Again, all I did was provide optometric care one day a week at the clinic, nothing else.

It was during the interview that I was told that the clinic had been under surveillance by the Department of Justice even prior to my employment. In my own ignorance without knowledge of what was occurring, I signed blank Medi-Cal billing forms. I was told by the manager that this was basic procedure to have forms run through the computer. I believed the clinic was legitimate and trusted my employer. Unknowingly to me, they were using those blank forms to bill patients I had never seen.

During the interview with the D.O.J., I agreed to help in any way I could to help prosecute those involved. To my astonishment, I was going to be convicted of felony Medi-Cal fraud. I could not believe what was happening. My inexperienced attorney recommended I sign a plea bargain and reduce the charges to a misdemeanor. I was to pay back all earnings in restitution (\$25,000), court fees and 3 years probation. During which I could not bill any Medi-Cal/ Medicare patients.

This nightmare had major affects not only on my professional life, but my personal life as well. I felt unjustly accused and fell into a period of mental disarray. I became depressed, anxious, completely overwhelmed by the whole situation. In September 2004, my beloved father-in-law died. I had been able to confide and trust in this man all the troubles I was enduring. Feeling even more desperate, I withdrew and the emotional overload began to affect my choices. Shamefully, I began to self medicate with alcohol. I fell into a deeper depression and suffered extreme anxiety to the point that my wife and daughter left me in December 2004.

In January 2005 I was in the midst of my struggle. I was depressed, anxious, and separated from my family. I accepted a controlled substance from an acquaintance who promised instant relief from my pain. I made a tragic choice and ingested that controlled substance. Within several hours my heart was racing and I became extremely ill, I felt as if I was going to have a heart attack. I called 911 and told

them what had occurred. An ambulance arrived with the police and I was taken to the hospital and subsequently to jail.

I believe that was my rock bottom. I physically felt like I was going to die and never have the chance to make amends with my family or rebuild my career. Here I was, an educated man with all the blessings and opportunities anyone could ever hope for, and I was in a holding cell over night with murderers, thieves, and rapists. The only person to blame was myself. On that day, I vowed never to make such catastrophic choices again and certainly never take my family, my profession, or my life for granted again. I realized how quickly it could all disappear.

Fortunately, as a first time offender, I went thru the diversion program where counseling and random drug testing occurred. I went to A.A. meetings and followed the program diligently. I learned sharing and discussing my feelings eased my depression and anxiety. Upon completion of the diversion program, the charges were dismissed. Throughout the years I have found it important to continue with various twelve step programs which I currently attend on my own volition. I sought the help of my doctor to treat my anxiety, and I also developed better coping strategies for life's challenges. Most importantly, I have not used nor desired any illegal drug since, and I can without a doubt say that I never will. I am extremely proud to say that I have been sober for over five years.

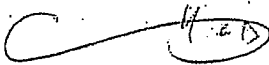
I have kept that vow that I made to myself on that day in jail. I have not made one catastrophic choice and I do not take my profession, my family or my life for granted. I am grateful to have the chance to rebuild my career. I reconciled with my wife three years ago and I get to watch my nine year old daughter grow right in front of my eyes. And I get to live a healthy life. No alcohol and certainly no drugs.

I accept full responsibility for what I did and am remorseful beyond my ability to express myself. I am embarrassed for what I have done and the effects on everyone involved. I shamed myself, my family and my profession. My choices were wrong, no excuses, and I deeply apologize to my family, friends and to the Board of Optometry.

In conclusion, I plea with the Board for compassion of removal of my probationary status. Due to my restricted license, I am denied credentialing by most of the insurance companies as a provider. This has led to termination of employment and the inability to provide quality optometric care to all those in need. I have been unable to recover financially from acquiring such significant debt. I have had to pay restitution fees, legal fees, accounting fees, IRS fees, the list goes on. I feel I have paid my debt to society and most importantly become a better man, father, husband and Optometrist. Thank you for your consideration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Bakersfield, California on October 29, 2010 by Casey J. Finn.

Thank you,

A handwritten signature in black ink, appearing to read "Casey J. Finn", enclosed within a circular scribble.

Casey Finn, OD

ATTACHMENTS TO PETITION FOR EARLY TERMINATION OF PROBATION  
CASEY JON FINN, OD

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	ATTACHMENT 1
CONDITIONS OF PROBATION SUPPLEMENT	ATTACHMENT 2
VERIFICATION OF COMPLIANCE WITH PROBATION & CONTINUING EDUCATION CERTIFICATES	ATTACHMENT 3
COMPLETION OF DIVERSION AND COMPLIANCE DOCUMENT	ATTACHMENT 4
MINUTE ORDER EXPUNGING CONVICTION	ATTACHMENT 5
LETTERS OF RECOMMENDATION	ATTACHMENT 6

Frank Giardina, MS, OD, FAAO  
2220 S. Bradley Road  
Santa Maria, CA 93455  
(805) 925-4794

Tom O'Leary, Facilitator, Spiritual 12-Step Program  
St. Philip the Apostle Church  
7100 Stockdale Highway  
Bakersfield, CA 93309-1399  
(661) 300-0882

Victor D. Contreras, MD  
126 N. Tenth Street  
Santa Paula, CA 93060  
(805) 525-4446

Walter Jean Truax, Lion's Club  
3510 Squire Lane  
Bakersfield, California 93309  
(661) 831-2297

Ana Banuelos-Finn  
314 Lewisham Street  
Bakersfield, CA 93311  
(805) 824-5958

Richard Banuelos  
6645 Thille Street  
93003 Ventura, CA  
(805) 415-3427

PERIODICAL LITERATURE REVIEWED

ATTACHMENT 7

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

ATTACHMENT 1

BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. CC 2005-104

CASEY JON FINN, O.D.

3295 E. Main Street  
Ventura, CA 93003

Optometry License No. 8638

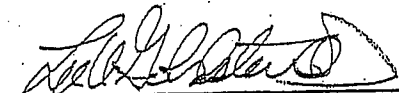
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

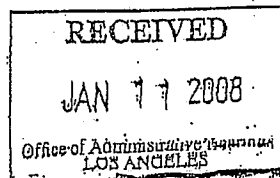
This Decision shall become effective July 17, 2008.

It is so ORDERED June 17, 2008.



LEE A. GOLDSTEIN, O.D., MPA  
PRESIDENT  
BOARD OF OPTOMETRY

1 EDMUND G. BROWN JR., Attorney General  
2 of the State of California  
3 JENNIFER S. CADY  
4 Supervising Deputy Attorney General  
5 KIMBERLEE D. KING, State Bar No. 141813  
6 Deputy Attorney General  
7 California Department of Justice  
8 300 So. Spring Street, Suite 1702  
9 Los Angeles, CA 90013  
10 Telephone: (213) 897-2581  
11 Facsimile: (213) 897-2804



12 Attorneys for Complainant

13 BEFORE THE  
14 BOARD OF OPTOMETRY  
15 DEPARTMENT OF CONSUMER AFFAIRS  
16 STATE OF CALIFORNIA

17 In the Matter of the Accusation Against:

Case No. CC 2005-104

18 CASEY JON FINN  
19 3295 E. Main Street  
20 Ventura, CA 93003

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER

21 Optometry License No. 8638

22 Respondent.

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
24 above-entitled proceedings that the following matters are true:

25 PARTIES

26 1. Taryn Smith (Complainant) is the Executive Officer of the Board of  
27 Optometry. She brought this action solely in her official capacity and is represented in this  
28 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Kimberlee D.  
King, Deputy Attorney General.

2. Respondent Casey Jon Finn (Respondent) is represented in this proceeding  
by attorney John K. Rounds, whose address is Law Offices of John K. Rounds, Correspondence  
Box 985, Santa Paula, CA 93061.

1 3. On or about February 2, 1987, the Board of Optometry issued Optometry  
2 License No. 8638 to Casey Jon Finn (Respondent). The License was in full force and effect at all  
3 times relevant to the charges brought in Accusation No. CC 2005-104 and will expire on March  
4 31, 2009, unless renewed.

5 JURISDICTION

6 4. Accusation No. CC 2005-104 was filed before the Board, and is currently  
7 pending against Respondent. The Accusation and all other statutorily required documents were  
8 properly served on Respondent on March 20, 2007. Respondent timely filed his Notice of  
9 Defense contesting the Accusation. A copy of Accusation No. CC 2005-104 is attached as  
10 exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, discussed with counsel, and fully  
13 understands the charges and allegations in Accusation No. CC 2005-104. Respondent has also  
14 carefully read, discussed with counsel, and fully understands the effects of this Stipulated  
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
19 the right to present evidence and to testify on his own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in  
27 Accusation No. CC 2005-104.  
28

9. Respondent agrees that his Optometry License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

#### CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Optometry.

Respondent understands and agrees that counsel for Complainant and the enforcement staff of the Board of Optometry may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

#### OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

#### DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Optometry License No. 8638 issued to Respondent Casey Jon Finn (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. Actual Suspension. Optometry License issued to Respondent Casey Jon Finn is suspended for a period of ten (10) days.

///



2. ~~Obey All Laws.~~ Respondent shall obey all federal, state and local laws, and all rules governing the practice of optometry in California.

3. Cooperate with Probation Surveillance. Respondent shall comply with the board's probation surveillance program; including but not limited to allowing access to the probationer's optometric practice(s) and patient records upon request of the board or its agent.

4. Comply With The Board's Probation Program. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Respondent shall, at his own expense, report in person to the Board's headquarters in Sacramento within three (3) months of the effective date of the Board's decision, and as the Board deems necessary if it is determined that Respondent may not be compliant with any of the terms or conditions of his probation.

5. Interviews. Respondent shall appear in person for interviews with a Board representative upon request at various intervals and with reasonable notice.

6. Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives. Respondent shall provide a copy of this decision to the optometric regulatory agency in every state and territory in which he has an optometry license.

7. Function as an Optometrist. Respondent, during the period of probation, shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6

consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as an optometrist. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as an optometrist upon request of the Board. Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any optometric or other health care related employment. In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he/she obtains any optometric or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any optometric, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

9. **Residency, Practice, or Outside of State.** Any period of residency or practice as an optometrist outside of the State of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, any time he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside California, and within 30 days prior to re-establishing residency or returning to practice in California. Respondent shall provide a list of all states and territories where he has ever been licensed as an optometrist. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of

probation. Respondent shall inform the Board if he applies for or obtains a new optometry license during the term of probation. Within 30 days of the Board's Decision, Respondent shall provide a copy of the Board's Decision and Order to the Optometry Board of any other state where he is currently licensed or becomes licensed to practice optometry.

11. ~~Cost Recovery.~~ Respondent shall pay to the Board, costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$3600. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Completion of Probation.** Upon successful completion of probation, Respondent's certificate will be fully restored.

13. **Violation of Probation.** If Respondent violates probation in any respect, the board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

14. **Drugs & Abstain From Use.** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code or any drugs requiring a prescription.

15. **Drugs - Exception for Personal Illness.** Orders forbidding Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to

1 medications lawfully prescribed to Respondent for a bona fide illness or condition by a licensed  
2 physician.

3 16. Alcohol - Abstain From Use. Respondent shall abstain completely from  
4 the use of alcoholic beverages.

5 17. Biological Fluid Testing. Respondent shall immediately submit to  
6 biological fluid testing, at Respondent's cost, upon the request of the board or its designee.

7 18. Community Services - Free Services. Within 60 days of the effective  
8 date of this decision, Respondent shall submit to the board for its prior approval a community  
9 service program in which Respondent shall provide free non-optometric services on a regular  
10 basis to a community or charitable facility or agency for at least fifteen (15) hours a month for the  
11 first two (2) years of probation.

12 19. Education Course. Within 90 days of the effective date of this decision,  
13 and on an annual basis thereafter, Respondent, at his own expense, shall enroll and successfully  
14 complete 40 hours of continuing education courses per year for each year of probation that are  
15 relevant to the practice of optometry. These course shall be in addition to the courses required for  
16 license renewal. At least one of the courses shall be on ethics. Respondent shall obtain prior  
17 approval from the Board before enrolling in the ethics course. The courses are to be completed  
18 no later than six months prior to the end of his probationary term. Respondent shall submit to the  
19 Board the original transcripts or certificates of completion for the above required courses. The  
20 Board shall return the original documents to the respondent after photocopying them for its  
21 records.

22 20. Drug, Alcohol, or Other Chemical Abuse Counseling and  
23 Treatment. Within 15 days of the effective date of this decision, Respondent shall submit the  
24 name, business address and business telephone number of three persons who are professionally  
25 qualified to provide counseling and treatment for drug, alcohol or other chemical abuse  
26 appropriate to the case. Thereafter the board through its staff shall select one of these persons to  
27 provide the necessary counseling and treatment. Within 30 days of written notification of this  
28 selection to the Respondent the Respondent shall, in consultation with this counselor and treating

professional, prepare and submit to the board for its approval, a counseling and treatment program all costs of which shall be paid by the Respondent. Respondent shall successfully complete this counseling and treatment program as a condition of probation.

20. **Supervised Environment.** Within 60 days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent's practice would be supervised. Respondent shall not practice until receiving notification of Board approval of Respondent's choice of a supervisor. The plan of supervision shall be general and not require the physical presence of the supervising optometrist during the time optometric procedures are performed, but does require an occasional random check of the work performed on the patient. Additionally, the supervisor shall have full and random access to all patient records of Respondent. Each proposed supervisor shall be a California licensed optometrist who shall submit written reports to the Board on a quarterly basis verifying that supervision has taken place as required and include an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely manner. The supervisor shall be independent, with no prior business or professional relationship with Respondent and the supervisor shall not be in a familial relationship with or be an employee, (including independent contractor) partner or associate of Respondent. If the supervisor terminates or is otherwise no longer available, Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by the Respondent.

21. **License surrender** - During Respondent's term of probation, if he ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent

///

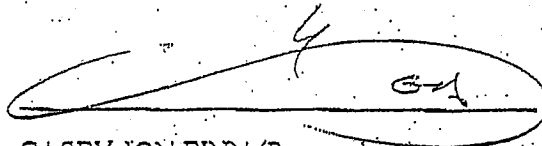
will no longer be subject to the conditions of probation, except he may be subject to reimbursing the Board for its costs of investigation and prosecution upon a petition for reinstatement.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and

have fully discussed it with my attorney, John K. Rounds. I understand the stipulation and the effect it will have on my Optometry License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Optometry.

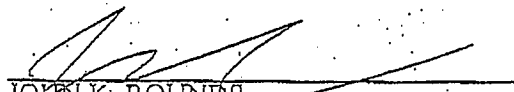
DATED: 1/10/08



CASEY JON FINN (Respondent)  
Respondent

I have read and fully discussed with Respondent Casey Jon Finn the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/11/08



JOHN K. ROUNDS  
Attorney for Respondent

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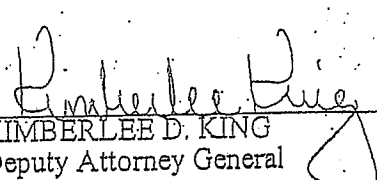
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Optometry, Department of Consumer Affairs.

DATED: January 11, 2008

EDMUND G. BROWN JR., Attorney General  
of the State of California

JENNIFER S. CADY  
Supervising Deputy Attorney General

  
KIMBERLEE D. KING  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006601188  
60228648.wpd

Exhibit A

Accusation No. CC 2005-104



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702

5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 BEFORE THE  
BOARD OF OPTOMETRY  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. CC 2005-104

11 CASEY JON FINN  
12 3295 E. Main Street  
Ventura, CA 93003

ACCUSATION

13 Optometry License No. 8638

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Taryn Smith (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Optometry (Board), Department of Consumer Affairs.

20 2. On or about February 2, 1987, the Board issued Optometry License No. 8638 to  
21 Casey Jon Finn (Respondent). The Optometry License was in full force and effect at all times  
22 relevant to the charges brought herein and will expire on March 31, 2007, unless renewed.

23 JURISDICTION

24 3. This Accusation is brought before the Board, under the authority of the following  
25 laws. All section references are to the Business and Professions Code unless otherwise indicated.

26 4. Section 3090 of the Code states:

27 "Except as otherwise provided by law, the board may take action against all  
28 persons guilty of violating this chapter or any of the regulations adopted by the board. The board

1. shall enforce and administer this article as to licenseholders, and the board shall have all the  
2. powers granted in this chapter for these purposes, including, but not limited to, investigating  
3. complaints from the public, other licensees, health care facilities, other licensing agencies, or any  
4. other source suggesting that an optometrist may be guilty of violating this chapter or any of the  
5. regulations adopted by the board."

6. 5. Section 3106 of the Code states:

7. "Knowingly making or signing any certificate or other document directly or  
8. indirectly related to the practice of optometry that falsely represents the existence or nonexistence  
9. of a state of facts constitutes unprofessional conduct."

10. 6. Section 3110 of the Code states:

11. "The board may take action against any licensee who is charged with  
12. unprofessional conduct, and may deny an application for a license if the applicant has committed  
13. unprofessional conduct. In addition to other provisions of this article, unprofessional conduct  
14. includes, but is not limited to, the following:

15. "(a) Violating or attempting to violate, directly or indirectly assisting in or  
16. abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules  
17. and regulations adopted by the board pursuant to this chapter.

18. ....  
19. "(e) The commission of fraud, misrepresentation, or any act involving dishonesty  
20. or corruption, that is substantially related to the qualifications, functions, or duties of an  
21. optometrist.

22. ....  
23. "(k) Conviction of a felony or of any offense substantially related to the  
24. qualifications, functions, and duties of an optometrist, in which event the record of the conviction  
25. shall be conclusive evidence thereof.

26. 7. Section 490 of the Code states:

27. "A board may suspend or revoke a license on the ground that the licensee has been  
28. convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties

1 of the business or profession for which the license was issued. A conviction within the meaning  
2 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
3 contendere. Any action which a board is permitted to take following the establishment of a  
4 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
5 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
6 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
7 Penal Code."

8 8. Section 810 of the Code states:

9 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
10 including suspension or revocation of a license or certificate, for a health care professional to do  
11 any of the following in connection with his or her professional activities:

12 "(1) Knowingly present or cause to be presented any false or fraudulent claim for  
13 the payment of a loss under a contract of insurance.

14 "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or  
15 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

16 "(b) It shall constitute cause for revocation or suspension of a license or certificate  
17 for a health care professional to engage in any conduct prohibited under Section 1871.4 of the  
18 Insurance Code or Section 549 or 550 of the Penal Code.

19 "(c) (1) It shall constitute cause for automatic suspension of a license or certificate  
20 issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with  
21 Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with  
22 Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic  
23 Act or the Osteopathic Act, if a licensee or certificate holder has been convicted of any felony  
24 involving fraud committed by the licensee or certificate holder in conjunction with providing  
25 benefits covered by worker's compensation insurance, or has been convicted of any felony  
26 involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the  
27 Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant to  
28 Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of

Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to determine whether or not the license or certificate shall be suspended, revoked, or some other disposition shall be considered, including, but not limited to, revocation with the opportunity to petition for reinstatement, suspension, or other limitations on the license or certificate as the board deems appropriate."

9. California Code of Regulations, title 16, section 1517 states:

"For the purpose of denial, suspension, or revocation of the certificate of registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions, and duties of an optometrist if to a substantial degree it evidences present or potential unfitness of an optometrist to perform the functions authorized by his/her certificate of registration in a manner consistent with the public health, safety, or welfare.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent is subject to disciplinary action under section 3110, subdivision (k) and 490, in conjunction with California Code of Regulations, title 16, section 1517, in that Respondent has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed optometrist, as follows:

a. On or about August 10, 2005, Respondent plead guilty to and was convicted by the Court for violating one count of Welfare and Institutions Code section 14107, a felony (presenting false Medi-Cal claims), in the Superior Court of California, County of Los Angeles, Central Judicial District, Case No. BA245393 entitled *The People of the State of California v. Casey Finn*.

///

1                   b.       The circumstances surrounding the conviction are that about November,  
2 2002 to March, 2003, Respondent presented false and fraudulent claims for furnishing  
3 professional services and merchandise to patients, under the Medi-Cal Act.

4                               SECOND CAUSE FOR DISCIPLINE

5                               (Fraud, Misrepresentation, or Acts Involving Dishonesty)

6           13.       Respondent is subject to disciplinary action under section 3110, subdivisions (a)  
7 and (e), on the grounds of unprofessional conduct, in that from on or about November, 2002 to  
8 March, 2003, Respondent committed fraud, misrepresentation, or acts involving dishonesty by  
9 presenting false Medi-Cal claims, as more fully set forth above in paragraph 12.

10                               THIRD CAUSE FOR DISCIPLINE

11                               (Knowingly Presenting False or Fraudulent Claims)

12           14.       Respondent is subject to disciplinary action under section 3110, subdivision (a)  
13 and 3106 of the Code, on the grounds of unprofessional conduct, for violating section 810, in that  
14 from about November, 2002 to March, 2003, Respondent knowingly made, signed, and falsely  
15 presented false Medi-Cal claims for professional services, as more fully set forth above in  
16 paragraph 12.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Optometry License No. 8638, issued to Casey Jon Finn.
2. Ordering Casey Jon Finn to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/27/07

  
TARYN SMITH  
Executive Officer  
Board of Optometry  
State of California  
Complainant

LA2006601188  
60183418.wpd  
jz (12/13/06)

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8  
9 BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the First Amended Accusation  
11 Against:

Case No. CC-2005-104

12 CASEY JON FINN  
3295 E. Main Street  
13 Ventura, CA 93003

FIRST AMENDED  
ACCUSATION

14 Optometry License No. 8638

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Taryn Smith (Complainant) brings this First Amended Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Optometry (Board), Department of  
21 Consumer Affairs.

22 2. On or about February 2, 1987, the Board issued Optometry License No. 8638 to  
23 Casey Jon Finn (Respondent). The Optometry License was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on March 31, 2009, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

1. 4. Section 3090 of the Code states:

2 "Except as otherwise provided by law, the board may take action against all  
3 persons guilty of violating this chapter or any of the regulations adopted by the board. The board  
4 shall enforce and administer this article as to licenseholders, and the board shall have all the  
5 powers granted in this chapter for these purposes, including, but not limited to, investigating  
6 complaints from the public, other licensees, health care facilities, other licensing agencies, or any  
7 other source suggesting that an optometrist may be guilty of violating this chapter or any of the  
8 regulations adopted by the board."

9 5. Section 3106 of the Code states:

10 "Knowingly making or signing any certificate or other document directly or  
11 indirectly related to the practice of optometry that falsely represents the existence or  
12 nonexistence of a state of facts constitutes unprofessional conduct."

13 6. Section 3110 of the Code states:

14 "The board may take action against any licensee who is charged with  
15 unprofessional conduct, and may deny an application for a license if the applicant has committed  
16 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct  
17 includes, but is not limited to, the following:

18 "(a) Violating or attempting to violate, directly or indirectly assisting in or  
19 abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules  
20 and regulations adopted by the board pursuant to this chapter.

21  
22 "(e) The commission of fraud, misrepresentation, or any act involving dishonesty  
23 or corruption, that is substantially related to the qualifications, functions, or duties of an  
24 optometrist.

25  
26 "(k) Conviction of a felony or of any offense substantially related to the  
27 qualifications, functions, and duties of an optometrist, in which event the record of the  
28 conviction shall be conclusive evidence thereof.



1                   "(1) Administering to himself or herself any controlled substance or using any of  
2 the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a  
3 manner, as to be dangerous or injurious to the person applying for a license or holding a license  
4 under this chapter, or to any other person; or to the public, or to the extent that the use impairs  
5 the ability of the person applying for or holding a license to conduct with safety to the public the  
6 practice authorized by the license, or the conviction of a misdemeanor or felony involving the  
7 use, consumption, or self administration of any of the substances referred to in this subdivision,  
8 or any combination thereof."

9           7.       Section 490 of the Code states:

10                   "A board may suspend or revoke a license on the ground that the licensee has  
11 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
12 duties of the business or profession for which the license was issued. A conviction within the  
13 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
14 contendere. Any action which a board is permitted to take following the establishment of a  
15 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
16 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
17 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
18 Penal Code."

19           8.       Section 810 of the Code states:

20                   "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
21 including suspension or revocation of a license or certificate, for a health care professional to do  
22 any of the following in connection with his or her professional activities:

23                    "(1) Knowingly present or cause to be presented any false or fraudulent claim for  
24 the payment of a loss under a contract of insurance.

25                    "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or  
26 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

27                   ///

1                   “(b) It shall constitute cause for revocation or suspension of a license or  
2 certificate for a health care professional to engage in any conduct prohibited under Section  
3 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

4                   “(c) (1) It shall constitute cause for automatic suspension of a license or  
5 certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5  
6 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7  
7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to  
8 the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has been convicted  
9 of any felony involving fraud committed by the licensee or certificate holder in conjunction with  
10 providing benefits covered by worker's compensation insurance, or has been convicted of any  
11 felony involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction  
12 with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant  
13 to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200),  
14 of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a  
15 disciplinary hearing to determine whether or not the license or certificate shall be suspended,  
16 revoked, or some other disposition shall be considered, including, but not limited to, revocation  
17 with the opportunity to petition for reinstatement, suspension, or other limitations on the license  
18 or certificate as the board deems appropriate.”

19               9.       California Code of Regulations, title 16, section 1517 states:

20               “For the purpose of denial, suspension, or revocation of the certificate of  
21 registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the  
22 Code, a crime or act shall be considered to be substantially related to the qualifications,  
23 functions, and duties of an optometrist if to a substantial degree it evidences present or potential  
24 unfitness of an optometrist to perform the functions authorized by his/her certificate of  
25 registration in a manner consistent with the public health, safety, or welfare.

26       ///

27       ///

28       ///

1           10.     Section 125.3 of the Code provides, in pertinent part, that the Board may request  
2     the administrative law judge to direct a licensee found to have committed a violation or  
3     violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
4     and enforcement of the case.

5           11.     "Methamphetamine," is a schedule II controlled substance, as defined by Health  
6     and Safety Code Section 11055(d)(2) and is categorized as a "dangerous drug" pursuant to  
7     section 4022 of the Business and Professional Code.

8                                 FIRST CAUSE FOR DISCIPLINE

9                                 (Conviction of a Substantially Related Crime)

10          12.     Respondent is subject to disciplinary action under section 3110, subdivision (k)  
11     and 490, in conjunction with California Code of Regulations, title 16, section 1517, in that  
12     Respondent has been convicted of a crime substantially related to the qualifications, functions or  
13     duties of a licensed optometrist, as follows:

14                 a.     On or about August 10, 2005, Respondent plead guilty to and was  
15     convicted by the Court for violating one count of Welfare and Institutions Code section 14107, a  
16     felony (presenting false Medi-Cal claims), in the Superior Court of California, County of Los  
17     Angeles, Central Judicial District, Case No. BA245393 entitled *The People of the State of*  
18     *California v. Casey Finn*.

19                 b.     The circumstances surrounding the conviction are that about November,  
20     2002 to March, 2003, Respondent presented false and fraudulent claims for furnishing  
21     professional services and merchandise to patients, under the Medi-Cal Act.

22                                 SECOND CAUSE FOR DISCIPLINE

23                                 (Fraud, Misrepresentation, or Acts Involving Dishonesty)

24          13.     Respondent is subject to disciplinary action under section 3110, subdivisions (a)  
25     and (e), on the grounds of unprofessional conduct, in that from on or about November, 2002 to  
26     March, 2003, Respondent committed fraud, misrepresentation, or acts involving dishonesty by  
27     presenting false Medi-Cal claims, as more fully set forth above in paragraph 12.

28                                 THIRD CAUSE FOR DISCIPLINE

(Knowingly Presenting False or Fraudulent Claims)

14. Respondent is subject to disciplinary action under section 3110, subdivision (a) and 3106 of the Code, on the grounds of unprofessional conduct, for violating section 810, in that from about November, 2002 to March, 2003, Respondent knowingly made, signed, and falsely presented false Medi-Cal claims for professional services, as more fully set forth above in paragraph 12.

FOURTH CAUSE OF ACTION

(Self-Administering a Controlled Substance)

15. Respondent is subject to disciplinary action under section 3110, subdivision (1), of the Business and Professions Code for violating Health and Safety Code section 11550, subdivision (a), in that Respondent, by his own admission, knowingly and willingly, ingested Methamphetamine, an illegal controlled substance. The circumstances are that on or about January 12, 2005, medical personnel and Bakersfield police officers were called to Howard's Mini Mart located in Bakersfield, California for a possible overdose of Methamphetamine. Respondent reported that he had called for medical aid due to a possible heart attack or panic attack. He displayed symptoms of Methamphetamine influence which included agitation, accelerated and repetitive speech, fixed pupils which reacted slowly to light and elevated blood pressure. Respondent admitted to the police and medical personnel that he used methamphetamine earlier that day.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

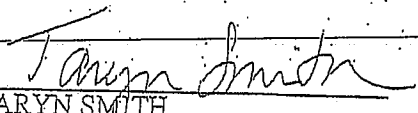
1. Revoking or suspending Optometry License No. 8638, issued to Casey Jon Finn.

2. Ordering Casey Jon Finn to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.

///

3. Taking such other and further action as deemed necessary and proper.

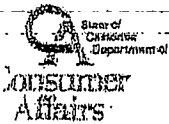
DATED: 6/22/07

  
TARYN SMITH  
Executive Officer  
Board of Optometry  
State of California  
Complainant

60216667.wpd

CONDITIONS OF PROBATION SUPPLEMENT  
10/20/08

ATTACHMENT 2



Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
(916) 575-7170/(866) 585-2666  
www.optometry.ca.gov



## CONDITIONS OF PROBATION SUPPLEMENT

NAME: Casey Jon Finn, O.D.LICENSE NO. 8638

You must fully comply with all terms and conditions of your probation as stated in the Stipulated Settlement and Disciplinary Order. You must fully cooperate with your Probation Monitor or other Board representatives assigned to your case. Follow the instructions contained in this Supplement to guide you in complying with your probation requirements.

### I. PROBATION TERM STATISTICS

Decision/Stipulation No.	:	CC 2004-104
Beginning of Term	:	July 17, 2008
Length of Term	:	3 Years
End of Term	:	July 17, 2011
First Quarterly Report Due	:	October 30, 2008

### II. CONDITIONS OF PROBATION OBJECTIVES

C.F. SEVERABILITY:  
(Initial)

- Each condition of probation is a separate condition and will be enforced as such, regardless of what happens to any other condition.

C.F. OBEY ALL LAWS:  
(Initial)

- You must obey all federal, state, and local laws. If you violate any of these laws, you must report your violation to your Probation Monitor within 72 hours of the violation. Reportable violations include parking tickets, traffic or moving citations, arrests, convictions (even if dismissed by P.C. 1203.4), and violations of other probation orders.
- Report your violations by telephone first. If your Probation Monitor is not in the office at the time of your telephone call, leave a detailed message on the voice mailbox AND a return telephone number of contact person.
- If you receive a citation from a law enforcement officer, send a clear photocopy of the citation to your Probation Monitor.

- If you are arrested, booked, jailed, or convicted, obtain a copy of all related documents and submit them to your Probation Monitor as soon as possible.

### C.F. COMPLY WITH PROBATION PROGRAM:

(Initial)

- Cooperate with your Probation Monitor or any Board representative in the monitoring of your probation.
- Read and follow all the directions on all documents and correspondence you receive from your Probation Monitor or other Board representative.
- Perform any tasks requested by your Probation Monitor or other Board representative by the due date shown on the documents, or as verbally directed.
- You must maintain an active and current optometrist license at all times during your probation.
- You must respond to all messages or contacts within 72 hours from your Probation Monitor or Board representative.
- You agree to pick up all certified mail that is sent to your address of record or post office box.
- Notify your Probation Monitor or other Board representative of any change in your address or telephone number as soon as the change occurs, but no later than 15 days from the change.
- You must allow access to your optometric practice and patient records upon request of the Board or its agent.

### C.F. REPORT IN PERSON:

(Initial)

- You must appear at the Board's Sacramento location to your initial probation interview, and may be required to appear at subsequent interviews as requested by the your Probation Monitor or other Board representative. You will receive written notice of such interviews approximately 14 – 21 days in advance of the interview date. Notice of such interviews will be sent to the address of record that you have registered with the Board and your Probation Monitor.
- Interview frequency can change and will be determined by the Probation Monitor.
- Rescheduling an interview is allowed at the discretion of your Probation Monitor. If you must request a change in your interview date or time, you may be asked to provide a written and/or verbal explanation for the request. Rescheduling will be granted if the Probation Monitor's schedule can accommodate the change.

### C.F. SUBMIT WRITTEN REPORTS:

(Initial)

- You must read and follow the instructions included in all of the documents you receive from your Probation Monitor or Board representative.
- You must submit completed reports/declarations and verifications of action by the due date shown on such documents or as instructed.



- You must submit completed and signed Authorization for Release of Information forms to all parties involved in your probation process.
- You must submit your first quarterly report on October 30, 2008; your second on January 30, 2009; and every third month thereafter until your probationary term ends.
- You must submit with each quarterly report, a copy of complete patient records for 6 patient encounters. These are not to be of the same patient type, i.e. 3 patients under 40 years of age, 3 patients over 40 years of age with varying ranges of refractive and eye health characteristics.

C.F. FUNCTION AS A LICENSED OPTOMETRIST:  
(Initial)

- You must possess an active, optometrist license when performing any functions of an optometrist.
- During the probation period, you must engage in the practice of optometry in California for a minimum of 24 hours per week for 6 consecutive months within each year of your probation.
- For purposes of compliance with the section "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist.
- If you have not complied with this condition and you present sufficient documentation of your good faith efforts to comply with this condition, and if no other conditions have been violated, the Board may grant an extension of your probation period up to one year without further hearing.

C.F. EMPLOYMENT REQUIREMENTS:  
(Initial)

- You must obtain prior approval from the Board by submitting appropriate forms before commencing or continuing the practice of optometry.
- Upon request, you must provide any performance evaluations and other employment-related reports as an optometrist.
- If working as an employee, you must provide a copy of the Stipulated Settlement and Disciplinary Order to your employer and immediate supervisors prior to commencing to practice optometry.
- You must notify the Board in writing with seventy-two (72) hours after you obtain any optometric employment.
- You must notify the Board in writing within seventy-two (72) hours after you are terminated or separated, regardless of cause from any optometric employment with a full explanation of the circumstances surrounding the termination or separation.

C.F. RESIDENCY OR PRACTICE OUTSIDE OF STATE:  
(Initial)

- You will only get credit for the time that you are residing and working in California. You must report any time that you are outside of California to your Probation Monitor.

- For travel periods of one week or greater, please provide written notification of your travel plans to your Probation Monitor as soon as you schedule them. This will avoid being scheduled for a probation interview at the same time.
- You may be required to make up the time that you are outside of California when your absence constitutes a change of residency. Generally, a period of time greater than 60 days is considered a change of residency.
- You must provide written notification to your Probation Monitor within 15 days of moving your residence or practice outside of California.
- You must provide written notification to your Probation Monitor 30 days prior to returning to practice or live in California.
- You must provide a list of all states and territories where you have ever been licensed as an optometrist.
- You must provide status of all other optometric licenses held and any change in status that may occur during your probation.

C.E. COST RECOVERY:  
(Initial)

- You must reimburse the Board for actual costs incurred in the investigation and discipline of your license in the amount of \$3,600.00 within six months prior to the end of the probationary period.
- You must make your payments to the Board as instructed on the Cost Recovery Payment Plan form you sign.
- Notify your probation monitor if you anticipate a problem with making payments.

C.F. COMPLETION OF PROBATION:  
(Initial)

- Upon successful completion of probation, your certificate will be fully restored.

C.F. VIOLATIONS:  
(Initial)

- If you violate any of the conditions of your probation, the Board may revoke your license after giving you the opportunity to be heard.
- If you violate any law or your probation in any manner requiring the Board to request or to file an accusation or petition to revoke probation, your probation term will automatically extend until the matter is resolved.

C.F. DRUGS & ALCOHOL - ABSTAIN FROM USE  
(Initial)

- You must totally abstain from possession and consumption by any route of all controlled substances, except when lawfully prescribed by a licensed physician or dentist as part of a documented medical treatment.
- You must have your prescribing dentist or physician send your Probation Monitor a letter describing any medication prescribed, why it is being

prescribed, dosage of medication and how long it will be needed. The letter must be sent within 14 days of the written prescription.

- You must not use alcohol.

C.F. **SUBMIT TO TESTS AND SAMPLES:**

(Initial)

- You must, at your expense, participate in random biological fluid testing or a board approved drug-screening program.
- You must inform the Board of your current telephone number at all times.
- You must ensure that telephone messages may be left at that telephone number when you are not available.
- You must ensure that reports are submitted directly to the Board, as directed.
- You must fully cooperate with the Board or its representatives, and shall submit to tests and samples as they may require.

C.F. **COMMUNITY SERVICES:**

(Initial)

- Within sixty (60) days of the effective date of the decision, you must submit for prior approval, a community service program in which you shall provide free non-optometric services on a regular basis to a community or charitable facility or agency for at least fifteen (15) hours a month for the first twenty-four (24) months of probation.

C.F. **COMPLETION OF EDUCATIONAL PROGRAM/COURSE(S):**

(Initial)

- Within 90 days of the effective date of the decision, and on an annual basis thereafter during your probation period, you must submit for prior approval an education program or course which shall not be less than 40 hours per year, for each year of probation, and will include a *Board approved ethics* course. This program or course will be in addition to the Continuing Education requirements for re-licensure. You must receive approval from your Probation Monitor prior to enrollment in a course you select in fulfilling this condition. To obtain approval you must send to your Probation Monitor the following:
  - a) A course outline
  - b) A course catalogue
  - c) A course pamphlet or booklet
- If the course you submitted is acceptable, you will be notified of the approval by telephone.
- You must provide your Probation Monitor with the Original Course Completion Certificate or Transcript before you will be given credit for the course. The Board will return the original documents to you after photocopying them for our records.
- You will not be allowed to use home study or correspondence course to fulfill this requirement. Courses required under this condition will be related to the nature of your violation.

C.F. DRUG, ALCOHOL OR OTHER CHEMICAL ABUSE COUNSELING AND  
(Initial) TREATMENT:

- You must within in 15 days of decision, submit the name and business address and telephone number of three persons professionally qualified to provide counseling and treatment for drug, alcohol or other chemical abuse.
- The probation monitor shall select one of these persons to provide the necessary counseling and treatment.
- Within 30 days of written notification of this selection, you must consult with the counselor and prepare and submit a counseling treatment program to the board for approval.
- All costs of the approved program will be your responsibility.
- You must successfully complete this counseling and treatment program as a condition of probation.

C.F. SUPERVISED ENVIRONMENT:  
(Initial)

- You must within 60 days of the decision, submit to the board for prior approval, the name and qualifications of one or more proposed supervisors and a plan for each supervisor by which your practice will be supervised.
- You shall not practice until receiving notification of the Board's approval of your choice of supervisor.
- The plan of supervision shall be general and not require the physical presence of the supervising optometrist, but does require occasional random checks of your work performed on patients.
- The supervisor shall have full and random access to all patient records.
- The supervisor shall be a California licensed Optometrist, independent, with no prior business or professional relationship with you, or not be in a familial relationship or an employee (including independent contractor), or partner or associate.
- The supervisor shall submit written reports to the board on a quarterly basis verifying that supervision has taken place as required and provide an evaluation of your performance.
- It will be your responsibility to assure that the required reports are filed in a timely manner.
- If the supervisor terminates or is no longer available, you shall not practice until a new supervisor has been approved by the Board.
- All costs for the supervision will be your responsibility.

C.F. LICENSE SURRENDER:  
(Initial)

- During your probation, if you cease to practice due to retirement or health reasons, or are otherwise unable to satisfy the conditions of probation, you may surrender your license to the Board.

- The Board reserves the right to evaluate your request and to exercise its discretion whether to grant the request or take other action, without hearing.
- Upon formal acceptance of the license and wall certificate, you would no longer be subject to the conditions of probation.
- Surrender of your license would be considered a disciplinary action and become part of your license history with the Board.
- An optometrist whose license has been surrendered may petition the Board for reinstatement no sooner than one year from the effective date of the disciplinary decision.

CF PETITION:  
(Initial)

- After one year of full compliance with the conditions of your probation, you may submit an application to petition the Board to modify your probation conditions.

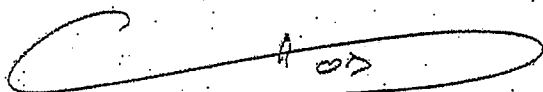
## CERTIFICATION

I participated in a probation orientation on xxxxxxxx at SACRAMENTO, CA .  
I understand the terms and conditions of my probation order, my  
responsibility to fully comply with the Board's probation program, my  
responsibility to obey all federal, state, and local laws and regulations related  
to the practice of optometry, and the directions of my Probation Monitor or  
other Board representative.

I understand that my failure to comply with any of the terms and conditions of  
probation stated herein and in the Board's Stipulated Settlement and  
Disciplinary Order, or laws substantially related to the practice of optometry  
is a direct violation of my probation and may result in the suspension of my  
practice or license, the revocation of my probation, or the revocation of my  
license.

**CASEY JON FINN**

PRINTED NAME



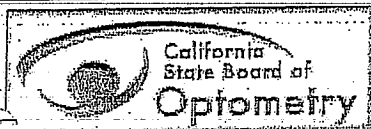
10-20-08

Signature

Date

LETTER FROM BOARD PROBATION MONITOR JESSICA SIEFERMAN  
INDICATING COMPLIANCE WITH PROBATION WITH DOCUMENTATION OF  
CONTINUING EDUCATION CREDITS 2008-2010

ATTACHMENT 3



**Board of Optometry**  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Tel: (916) 575-7170  
Fax: (916) 575-7292  
www.optometry.ca.gov



November 3, 2010

Robert Hahn  
Managing Partner

The Law Offices of Gould & Hahn  
5801 Christie Ave, Suite 385  
Emeryville, CA 94608

RE: Dr. Casey Finn, OD  
Compliance with Probation

Dear Mr. Hahn:

This is in regards to Dr. Casey Finn's compliance with his probation program with the California State Board of Optometry (Board). Pursuant to Dr. Finn's request, I am forwarding you information pertaining to the following terms and conditions of his probation: Cost Recovery, Biological Fluid Testing, and Education Course.

Condition #11 of Dr. Finn's terms and conditions states, in part, the following:

**"Cost Recovery:** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$3600."

Board records indicate that Dr. Finn has paid the full amount owed to the Board (Attachment #1); therefore, he is in complete compliance with this condition.

Condition #17 of Dr. Finn's terms and conditions states, in part, the following:

**"Biological Fluid Testing:** Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request of the board or its designee."

Dr. Finn has fully cooperated with the Board's contracted vendor, Phamatech, and continues to submit to biological fluid testing. As of the date of this letter, Dr. Finn has complied with this condition.

Condition #19 of Dr. Finn's terms and conditions states, in part, the following:

**"Education Course:** Within 90 days of the effective date of this decision, and on an annual basis thereafter, Respondent, at his own expense, shall enroll and successfully complete 40 hours of continuing education courses per year for each year of probation that are relevant to the practice of optometry. [...] At least one of the courses shall be in ethics."

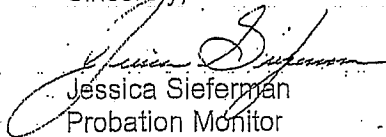


Mr. Robert Hahn  
November 3, 2010  
Page 2

Board records indicate that Dr. Finn has been in compliance with this condition since January 26, 2009. I have attached all copies of Dr. Finn's continuing education certificates for your review (Attachment #2).

If you require any additional information, please do not hesitate to contact me directly at (916) 575-7184.

Sincerely,



Jessica Sieferman  
Probation Monitor

Attachments: 2

Cc: Dr. Casey Finn, O.D.

F257

BOARD OF OPTOMETRY

11/03/10

CHANGE PENALTY PROBATION CASE

UPDATE 10/28/10

CASE# CC 2005 104 1 STATUS QTS CASE TYPE P BASE ID

USERID C690004

LIC#1 OPT 8638 #2 #3 #4

RESP. DBA

L FINN F CASEY M JON S

ADDR1 2022 N CHESTER AVE SUITE B BUSINESS PH

ADDR2 HOME PH 805 983 1408

CITY BAKERSFIELD ST CA ZIP 93308 CNTY 15

CNTRY MONITOR ID C6900041

ALJ/NEC COMPLAINT# CC 2005 104

---COST RECOVERY---

VIOLATION PROB VIOLATION PROB

AMT DUE \$ 3,600.00

3090 14107

MOD AMT \$ 0.00

VIOLATION PROB VIOLATION PROB

BAL DUE \$ 0.00

VIOLATION PROB VIOLATION PROB

-RESTITUTION AMOUNTS-

VIOLATION PROB VIOLATION PROB

AMT DUE \$ 0.00

VIOLATION PROB VIOLATION PROB

BAL DUE \$ 0.00

END LIST

PF1=QUIT 2=CAS 3=EX 5=BWKD 6=FWD 7=DISPLAY

EX

Date: 11/3/2010 Time: 07:47:52 AM

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., Ph.D.  
DEAN

SCHOOL OF OPTOMETRY  
BERKELEY, CALIFORNIA 94720-2020

January 26, 2009

To Whom It May Concern:

This is to certify that **Casey Finn, OD**, attended the following lectures at the 20<sup>th</sup> Annual Berkeley Practicum, held from January 10-12, 2009. The CE Program was presented by the School of Optometry, University of California, Berkeley.

State CA License No. 86385 State \_\_\_\_\_ License No. \_\_\_\_\_

January 10, 2009 8 TPA Hours (2 Syst. Med., 3 Inflam., 2 Glaucoma, 1 Infec.)

Daniel Ting, MD *Retinal Vascular Disease*

Marian Diamond, PhD *Successful Aging of the Healthy Brain*

Robert Stamper, MD *Glaucoma: New Surgical Approaches and Methods to Measure IOPs*

Karen Oxford, MD *The Red Eye: Ocular Infections and Inflammations*

January 11, 2009 8 TPA Hours (4 Inflam., 2 Glaucoma, 2 Syst. Med.)

Michael Jumper, MD *Posterior and Intermediate Uveitis*

Jason Bacharach, MD *Diagnosis and Management of Glaucoma - Update 2009*

Paul Chous, MA, OD *Diabetes: An Inside Perspective from an Optometrist with Diabetes*

Brian Ward, MD, PhD *Myopic Degeneration: New Treatments - New Hope*

January 12, 2009 5 TPA Hours (2 Inflam., 2 Syst. Med., 1 Infec.)

Paul Chous, MA, OD *Common Mistakes Made by Optometrists and Their Patients with Diabetes*

Maziar Haririfar, OD *Creative Methods for Diagnosing Usual and Unusual Corneas*

Wayne Verdon, OD, PhD *Ocular Challenges: Grand Rounds*

Attendance Certification  
University of California  
School of Optometry

Patsy L. Harvey, O.D., M.P.H.  
Continuing Education Director

## CERTIFICATE OF ATTENDANCE

Administrator:

Empire Eye and Laser Center  
Joseph H. Chang, M.D.  
4101 Empire Drive, Suite 120  
Bakersfield, CA 93309  
p: 661-325-3937 f: 661-283-3937

Meeting Location / Date:

Seven Oaks Country Club  
2000 Grand Lakes Avenue  
Bakersfield, CA 93311  
Thursday, March 5, 2009

Attendee Name: Casey Finn, OD

License Number / State: 8638 T / CA

Practice Name / Address: Valley Plaza Optometry

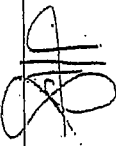
3001 Ming Avenue, Bakersfield, CA

Course Title: Medical Oculoplastics 101:

Basic Eyelid Malpositions and Ptosis

Course Instructor: Joseph H. Chang, M.D.

Course Duration: 1.0 hours

Administrator Validation: 

PLEASE NOTE: Keep this certificate as your validated record of attendance. Empire Eye and Laser Center will not notify any licensing board, or any other agency, of your attendance unless specifically required by your licensing board.

# CERTIFICATE OF ATTENDANCE

Administrator:

Empire Eye and Laser Center  
Mindy Caballero

4101 Empire Drive, Suite 120  
Bakersfield, CA 93309  
p: 661-325-2927 f: 661-283-3937

Meeting Location / Date:

Seven Oaks Country Club  
2000 Grand Lakes Avenue  
Bakersfield, CA 93311

Thursday, July 30, 2009

Attendee Name: Loey Finn, OD

License Number / State: 86387

Practice Name / Address: First Sight

8400 Rosedale Hwy Bakersfield, CA

Course Title: Common Corneal Disorders

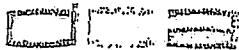
Course Instructor: Daniel H. Chang, M.D.

COPE ID: 20515-AS (event 12414)

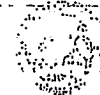
Course Duration: 2.0 hours

Administrator Validation: Mindy Caballero

PLEASE NOTE: Keep this certificate as your validated record of attendance. Empire Eye and Laser Center will not notify any licensing board, or any other agency, of your attendance unless specifically required by your licensing board.



STATE BOARD OF OPTOMETRY  
2420 Del Paso Road, Suite 255  
P (916) 575-7170. E (916) 575-7292. web: www.optometry.ca.gov



CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

FINN CASEY J  
Last Name (Please Print) First MI

8400 ROSEDALE HIGHWAY  
Address (Practice Location) Street Number and Name

BAKERSFIELD CA 93312  
City State Zip Code

[Signature] 8638T  
Attendee's Signature and California license number

COURSE ATTENDED: FLUORESCENCE imaging Conference  
(Title)

SPONSORED BY: CALIFORNIA Retina Consultants  
(Name of Sponsoring Organization)

VENUE: Hungry Hunter Steakhouse  
(Location where course was provided)

DATE OF COURSE: Nov 5, 2009, LENGTH OF COURSE 2  
(Hours)

COURSE INSTRUCTOR(S): Don't Pieramici, M.D. Alessandro Castellari, M.D.

[Signature]  
Signature of Instructor

[Signature]  
Signature of Instructor

NOTE: This form must be completed in its entirety. Please DO NOT send any records of continuing education attendance to the Board's office unless requested to do so.

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., Ph.D.  
DEAN

SCHOOL OF OPTOMETRY  
BERKELEY, CALIFORNIA 94720-2020

January 20, 2010

To Whom It May Concern:

This is to certify that *Casey Finn, OD*, attended the following lectures at the 21st Annual Berkeley Practicum, held from January 9-11, 2010. The CE Program was presented by the School of Optometry, University of California, Berkeley.

State CA License No. 8638T State \_\_\_\_\_ License No. \_\_\_\_\_

January 9, 2010

8 TPA Hours

Robert Johnson, MD	<i>Intraocular Tumors: Are These Cases Benign or Malignant?</i>
Joel Schuman, MD	<i>Optical Coherence Tomography (OCT): Development, Application, and Pearls</i>
Harry Quigley, MD	<i>Management of Glaucoma: The Systemic Approach</i>
Jill Autry, OD, RPh	<i>Pharmaceutical Pearls for Optometrists</i>

January 10, 2010

8 TPA Hours

Jill Autry, OD, RPh	<i>Glaucoma: What Goes Up, Must Come Down</i>
Patsy Harvey, OD, MPH	<i>Infectious Diseases: Yesterday, Today, and Tomorrow</i>
Todd Margolis, MD, PhD	<i>Adventures in External Ocular Disease</i>
Madhu Agarwal, MD	<i>So You Think It's Just Ptoxis</i>

January 11, 2010

4 TPA Hours

Jacque Duncan, MD	<i>RP Variants and Mimics: Don't Let Them Fool You</i>
Scott Lee, MD, MPH	<i>Oculoplastics: Miracles and Mistakes</i>

Attendance Certification  
University of California  
School of Optometry

Patsy L. Harvey, O.D., M.P.H.  
Continuing Education Director

## CERTIFICATE OF ATTENDANCE

Administrator:

Empire Eye and Laser Center  
Mindy Caballero  
4101 Empire Drive, Suite 120  
Bakersfield, CA 93309  
p: 661-325-2927 f: 661-283-3937

Meeting Location / Date:

Seven Oaks Country Club  
2000 Grand Lakes Avenue  
Bakersfield, CA 93311

Tuesday, January 26, 2010

Attendee Name: Casey J. Finn OD

License Number / State: 8638 T

Practice Name / Address: Casey J. Finn OD

8400 Rosedale Hwy Bakersfield, CA 93312

Course Title: Observation and Management of Eyelid Lesions

Course Instructor: Joseph H. Chang, M.D.

Course Duration: 2.0 hours

Administrator Validation: Mindy Caballero

PLEASE NOTE: Keep this certificate as your validated record of attendance. Empire Eye and Laser Center will not notify any licensing board, or any other agency, of your attendance unless specifically required by your licensing board.





SOUTHERN CALIFORNIA COLLEGE OF OPTOMETRY

Office of Continuing Education  
2575 Yorba Linda Boulevard • Fullerton, CA 92831-1699  
714/449-7442 • Fax 714/992-7809 • email: satkinson@scco.edu

Casey Finn, O.D.  
314 Lewisham Street  
Bakersfield CA 93311

---

CERTIFICATION OF CONTINUING EDUCATION CREDIT

---

This will certify that: **Casey Finn, O.D.**

Opt. License No: 8638T

Attended: Advances in Ocular Disease Focus in Technology CE Program

Date: Sunday, June 13th, 2010

**Instructor(s) & Lecture Information:**

Can We Do Better in AMD? Diagnostic Considerations - John McGreal, O.D.

Optimizing the Use of Technology in Perioperative Care - Maynard Pohl, O.D.

New Developments in the Correlation of Structure to Function - Heidelberg Edge Perimetry - George Comer, O.D.

Advances in Imaging of the Anterior Segment - Mark Sawamura, O.D.

New Technology: It's Amazing - GCC and ONH - Dave Sendrowski, O.D.

Hands-On Equipment Workshop - J. Nishimoto, O.D., M.B.A.

Sponsored and Administered by: The Department of Continuing Education  
Southern California College of Optometry

Total Continuing Education Credits Earned: 9

A handwritten signature in cursive script, reading "Susan J. Atkinson".

---

Susan Atkinson  
Director, Department of Continuing Education  
Southern California College of Optometry



SOUTHERN CALIFORNIA COLLEGE OF OPTOMETRY

Office of Continuing Education  
2575 Yorba Linda Boulevard • Fullerton, CA 92831-1699  
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Casey Finn, O.D.  
314 Lewisham St  
Bakersfield CA 93311

---

## CERTIFICATION OF CONTINUING EDUCATION CREDIT

---

This will certify that: **Casey Finn, O.D.** Opt. License No.: **8638T**

Attended: **Cornea & Cataract CE Program and Optometric Boot Camp**

Date: **Sunday, April 18th, 2010**

### Instructor(s) & Lecture Information:

**Drs. Pirnazar and D. Tran - Cataract Panel Discussion: What Every Commanding Officer Needs to Know About Cataracts!**

**Dr. L. Tran - Corneal Dystrophies and Degenerations**

**Drs. Carver & Hua - In the Trenches of Co-managing Cataracts**

**Dr. Kersten - ICL's and the Optometric Patient**

**Dr. Kao - Cataracts and Beyond: What You Need to Know About IOLs, Intacs and RLEs**

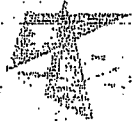
**Dr. Weissman - Corneal Infiltrates, the Soldiers in the Eye**

Sponsored and Administered by: **The Department of Continuing Education  
Southern California College of Optometry**

Total Continuing Education Credits Earned: **7**

---

**Susan Atkinson**  
Director, Department of Continuing Education  
Southern California College of Optometry



Margie  
McGavin/Optomerty/DCANotes

03/02/2010 12:38 PM

To: Jessica Siefertman/Optomerty/DCANotes@DCANotes

cc

bcc

Subject: Fw: Dr. Finn - Course Completion

History:

This message has been replied to

Jessica,

I did have the completion documents for Dr. Finn's ethics course. It was in my email, I just didn't print it.

Margie McGavin, Enforcement Manager  
California State Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Phone: (916) 575-7174  
Fax: (916) 575-7292

----- Forwarded by Margie McGavin/Optomerty/DCANotes on 03/02/2010 12:39 PM -----



"mberman@scco.edu"  
<mberman@scco.edu>  
11/30/2009 04:48 PM

To: "Margie\_McGavin@dca.ca.gov"  
<Margie\_McGavin@dca.ca.gov>

cc

Subject: Dr. Finn - Course Completion

November 30, 2009

Dear Margie:

I am pleased to report that Dr. Finn successfully completed all ethics course requirements.

As requested I am attaching copies for your files of the three essays he was required to write.

Please contact me if additional information is needed.

Regards,

Morris S. Berman, O.D. M.S.  
Vice President and Dean of Academic Affairs  
Southern California College of Optometry  
2575 Yorba Linda Blvd.  
Fullerton, CA 92831  
(714) 449-7455; Fax (714) 992-7809  
[mberman@scco.edu](mailto:mberman@scco.edu)



## California Optometric Association

2415 K Street, Sacramento, CA 95816  
P.O. Box 2591, Sacramento, CA 95812-2591  
Tel: (916) 441-3990 Toll-Free: (800) 877-5738 Fax: (916) 448-1423

License Number: 08638

Casey Jon Finn, O.D.  
3295 E Main St  
Ventura, CA 93003

### CONTINUING EDUCATION TRANSCRIPT

Monterey Symposium 2008  
Monterey, CA  
November 14-16, 2008

#### Course Listing

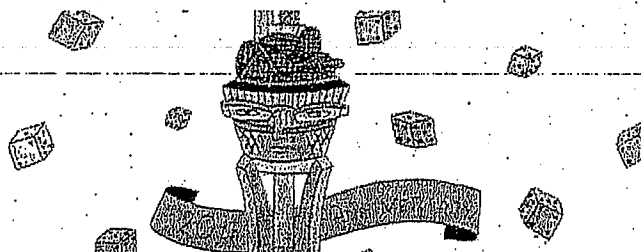
TPA - ANY OF THE FOLLOWING  
(Glaucoma, Ocular Infection, Inflammation, Systemic  
Medic, Pain Medications)  
O - OTHER  
(Binocular Vision, Contact Lenses, Low Vision, Vision  
Therapy)  
PM - PRACTICE MANAGEMENT  
ABO - American Board of Opticianry - Approved  
NCLE - National Contact Lens Examiners Approved

COPE Event # 10694

COURSE TITLE	Date	Speaker	CE HRS	Category	COPE
• 102 - Treating Corneal Infections from Start to Finish	11/14/08	Christine Sindt, OD, FAAO	2.00	TPA	COPE: 20245-AS
• 103 - Effects of Systemic Medications on Contact Lens Wear	11/14/08	Julie Ann Schomack, O.D.	1.00	TPA	COPE: 19130-PH
• 106 - Contact Lens Complications	11/14/08	Julie Ann Schomack, O.D.	2.00	TPA	COPE: 23304-CL
• 107 - Specialty Contact Lenses in Today's Practice	11/14/08	Christine Sindt, OD, FAAO	2.00	OTHER/NCLE	COPE: 19431-CL
• 109 - Trends in Presbyopic Refractive Surgery	11/14/08	Jimmy Jackson, OD	1.00	OTHER	COPE: 17680-RS
• 202 - What You Haven't Heard in Dry Eyes Disease...Really!	11/15/08	Kelly Nichols, OD, MPH, PhD	2.00	TPA	COPE: 22114-AS
• 206 - Keratoconus: Diagnosis and Management	11/15/08	Julie Ann Schomack, O.D.	2.00	TPA/AOA	COPE: 19678-CL
• 211 - Use and Abuse of Steroids	11/15/08	Bruce Onofrey, OD, RPh, FAAO	2.00	TPA	COPE: 15545-PH
• 215 - Strategies for Minimizing Risk in Contact Lens Patients	11/15/08	Kelly Nichols, OD, MPH, PhD	1.00	TPA	COPE: 20620-CL
• 302 - The Must Have Systemic Medications	11/16/08	Bruce Onofrey, OD, RPh, FAAO	2.00	TPA	COPE: 19964-PH
• 305 - Dry Eye Recipe Book: Clin. Apps of Consensus Panel Repts	11/16/08	Kelly Nichols, OD, MPH, PhD	2.00	TPA	COPE: 21669-AS
• 306 - Rigid Toric Contact Lenses Made Easy	11/16/08	Julie Ann Schomack, O.D.	1.00	OTHER/NCLE	COPE: 19676-CL

This is your verification of course attendance at the Monterey Symposium 2008  
Please keep for your records. Please note that Practice Management course hours do not count towards license renewal.

**From:** Vision Expo West (register@accureg.com)  
**To:** annabfinn@att.net;  
**Date:** Wed, October 27, 2010 11:31:04 AM  
**Cc:**  
**Subject:** VEW08 - 51887 Thank you for registering to attend INTERNATIONAL VISION EXPO WEST 2008



CONFERENCE: OCTOBER 2-6, 2008 | EXHIBITION: OCTOBER 3-5, 2008 | SANDS EXPO & CONVENTION CENTER, LAS VEGAS, NV USA

### Registration Confirmation

10/27/2010  
 CASEY FINN  
 VALLY PLAZA OPTOMETRY  
 3001 MING AVE  
 BAKERSFIELD, CA 93304  
 US  
 ID #51887

Thank you for attending International Vision Expo West 2008.

This document verifies successful attendance of the course(s) listed and should be submitted by the conferee to the applicable State Board of Optometry/Opticianry or National Accreditation Agency for license renewal.

International Vision Expo is recognized by the New York State Education Department's State Board for Ophthalmic Dispensing as an approved sponsor of ophthalmic dispensing continuing education.

#### SUCCESSFULLY COMPLETED COURSES

Course Title	Course #	Date	
Dry Eye And Contact Lenses	23-503-V	10/3/2008	
Time	Room #	Lecturer	
1:30pm - 2:30pm	503	Schaeffer, OD Karpecki, OD	
Credit Hours	COPE	NCLE	ABO
1	19978-AS	CT08N188-1	
Course Title	Course #	Date	
Therapeutic Review: Ocular Surfa	24-205-S	10/3/2008	
Time	Room #	Lecturer	
2:45pm - 4:45pm	205	Alan Kabat OD, FAAO	
Credit Hours	COPE	NCLE	ABO
2	19503-AS		
Course Title	Course #	Date	
Contact Lens Care: Problem Or So	21-503-V	10/3/2008	
Time	Room #	Lecturer	
		Hom, OD Gaddie, OD	

8:30am - 9:30am	503	Ward	
Credit Hours	COPE	NCLE	ABO
1	21747-CL	CT08N185-1	

Course Title	Course #	Date
Complete Care For The Dry Eye Pa	22-503-V	10/3/2008
Time	Room #	Lecturer
9:45am - 11:45am	503	Thimons, OD Lane, OD

Credit Hours	COPE	NCLE	ABO
2			

Course Title	Course #	Date
Oral Medications For Ocular Ther	33-205-S	10/4/2008
Time	Room #	Lecturer
1:30pm - 3:30pm	205	Gary E. Oliver, OD

Credit Hours	COPE	NCLE	ABO
2			

Course Title	Course #	Date
You Are What You Eat: Nutritiona	32-601-V	10/4/2008
Time	Room #	Lecturer
10:45am - 11:45am	601	Scot Morris, OD

Credit Hours	COPE	NCLE	ABO
1	16025-PH		

Course Title	Course #	Date
Current Treatment Strategies For	34-304-S	10/4/2008
Time	Room #	Lecturer
3:45pm - 4:45pm	601	Gary E. Oliver, OD

Credit Hours	COPE	NCLE	ABO
1	23407-PH		

Course Title	Course #	Date
Corneal Controversies, Contacts	31-901-V	10/4/2008
Time	Room #	Lecturer
8:30am - 10:30am	901	Carl Spear, OD

Credit Hours	COPE	NCLE	ABO
2	17224-AS		

Course Title	Course #	Date
Nutraceuticals, Supplements & Vi	43-203-S	10/5/2008

Time	Room #	Lecturer	
12:30pm - 2:30pm	203	Gary E. Oliver O.D.	
Credit Hours	COPE	NCLE	ABO
2	14772-PH		

Course Title	Course #	Date
The Ocular Surface And Infection	44-503-V	10/5/2008

Time	Room #	Lecturer
2:45pm - 3:45pm	503	Arthur Epstein, OD
Credit Hours	COPE	NCLE
1	22800-AS	ABO

Course Title	Course #	Date
Inflammatory Fundus Disorders	41-503-V	10/5/2008

Time	Room #	Lecturer
8:30am - 9:30am	503	Leo Semes, OD
Credit Hours	COPE	NCLE
1	21186-PS	ABO

Course Title	Course #	Date
Diagnosis And Management Of Dipl	42-304-S	10/5/2008

Time	Room #	Lecturer
9:45am - 11:45am	304	Michelle Caputo, OD
Credit Hours	COPE	NCLE
2	22808-NO	ABO

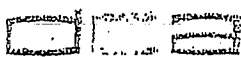
#### COURSES NOT COMPLETED

If you have any questions, please contact Client Services at 800-811-7151 or 203-840-5610.

If some of the text on this letter is cutoff during printing please adjust your margins and print the document again.

Go to your internet browser and click on File then Page Setup.

The Left/Right and Top/Bottom margins should be adjusted to 0.25 inches.



## STATE BOARD OF OPTOMETRY

2420 Del Paso Road, Suite 255

P [916] 575-7170 F [916] 575-7292 web: www.optometry.ca.gov

CERTIFICATION OF PARTICIPATION IN CONTINUING EDUCATION

THIS WILL CERTIFY THAT:

FINN CASEY J  
Last Name (Please Print) First MI

8400 ROSEDALE HIGHWAY  
Address (Practice Location) Street Number and Name

BAKERSFIELD CA 93312  
City State Zip Code

[Signature] 86385  
Attendees Signature and California license number

COURSE ATTENDED: Fluorescein imaging Conference  
(Title)

SPONSORED BY: California Retina Consultants  
(Name of Sponsoring Organization)

VENUE: Hungry Hunter Steakhouse  
(Location where course was provided)

DATE OF COURSE: Nov 5, 2009 LENGTH OF COURSE 2  
(Hours)

COURSE INSTRUCTOR(S): Donat Pieramici, M.D. Alessandro Castellari, M.D.

[Signature]  
Signature of Instructor

[Signature]  
Signature of Instructor

NOTE: This form must be completed in its entirety. Please DO NOT send any records of continuing education attendance to the Board's office unless requested to do so.



**From:** mberman@scco.edu (mberman@scco.edu)  
**To:** ojfinnod@yahoo.com;  
**Date:** Mon, November 30, 2009 4:43:17 PM  
**Cc:**  
**Subject:** Ethics Essays

November 30, 2009

Dr. Finn:

I have read your three essays and wish to compliment you on your understanding of the ethical issues and the quality of the writing. You did a very good job of referencing articles and incorporating ethical values and principles in the essays. You included Ethical theory in 2 of the 3 essays and my overall impression is that you took this task seriously and have hopefully used this opportunity to reflect on the standards we as health professionals need to believe in and live by.

I will be sending the State Board confirmation of the successful completion of the course and provide copies of your essays as requested.

Best wishes,

Morris S. Berman, O.D. M.S.  
Vice President and Dean of Academic Affairs  
Southern California College of Optometry  
2575 Yorba Linda Blvd.  
Fullerton, CA 92831  
(714) 449-7455; Fax (714) 992-7809  
[mberman@scco.edu](mailto:mberman@scco.edu)

☒ SCCO Logo

ETHICS CLASS REQUIRED BY BOARD AS  
PART OF PROBATION = 2 UNITS (C.E.)

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DENNIS M. LEVI, O.D., PH.D.  
DEAN

SCHOOL OF OPTOMETRY  
BERKELEY, CALIFORNIA 94720-2020

January 20, 2010

To Whom It May Concern:

This is to certify that *Caséy Finn, OD*, attended the following lectures at the 21st Annual Berkeley Practicum, held from January 9-11, 2010. The CE Program was presented by the School of Optometry, University of California, Berkeley.

State CA License No. 8638T State \_\_\_\_\_ License No. \_\_\_\_\_

January 9, 2010

8 TPA Hours

Robert Johnson, MD	<i>Intraocular Tumors: Are These Cases Benign or Malignant?</i>
Joel Schuman, MD	<i>Optical Coherence Tomography (OCT): Development, Application, and Pearls</i>
Harry Quigley, MD	<i>Management of Glaucoma: The Systemic Approach</i>
Jill Autry, OD, RPh	<i>Pharmaceutical Pearls for Optometrists</i>

January 10, 2010

8 TPA Hours

Jill Autry, OD, RPh	<i>Glaucoma: What Goes Up, Must Come Down</i>
Patsy Harvey, OD, MPH	<i>Infectious Diseases: Yesterday, Today, and Tomorrow</i>
Todd Margolis, MD, PhD	<i>Adventures in External Ocular Disease</i>
Madhu Agarwal, MD	<i>So You Think It's Just Ptosis</i>

January 11, 2010

4 TPA Hours

Jacque Duncan, MD	<i>RP Variants and Mimics: Don't Let Them Fool You</i>
Scott Lee, MD, MPH	<i>Oculoplastics: Miracles and Mistakes</i>

Attendance Certification  
University of California  
School of Optometry

A handwritten signature in cursive script, reading "Patsy L. Harvey".

Patsy L. Harvey, O.D., M.P.H.  
Continuing Education Director

## CERTIFICATE OF ATTENDANCE

### Administrator:

Empire Eye and Laser Center  
Mindy Caballero  
4101 Empire Drive, Suite 120  
Bakersfield, CA 93309  
P: 661-325-2927 F: 661-283-3937

### Meeting Location / Date:

Seven Oaks Country Club  
2000 Grand Lakes Avenue  
Bakersfield, CA 93311  
Tuesday, January 26, 2010

Attendee Name: Cossey J. Finna OD

License Number / State: 81638 T


Practice Name / Address: Cossey J. Finna OD

8400 Rosedale Hwy Bakersfield, CA 93312

Course Title: Observation and Management of Eyelid Lesions

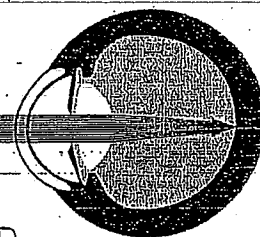
Course Instructor: Joseph H. Chang, M.D.

Course Duration: 2.0 hours

Administrator Validation: 

PLEASE NOTE: Keep this certificate as your validated record of attendance. Empire Eye and Laser Center will not notify any licensing board, or any other agency, of your attendance unless specifically required by your licensing board.

# CALIFORNIA RETINA CONSULTANTS



Diseases & Surgery of the Retina, Macula & Vitreous

Robert L. Avery, M.D.  
Ma'an A. Nasir, M.D.  
Dante J. Pieramici, M.D.  
Alessandro A. Castellarin, M.D.  
Robert F. See, M.D.

## Offices

Santa Barbara  
515 E. Michellorena Street  
Suite C  
Santa Barbara, CA 93103  
(805) 963-1648  
Fax: (805) 965-5214

Santa Maria  
116 S. Palisade Drive  
Suite 102  
Santa Maria, CA 93454  
(805) 922-2068

Oxnard  
1801 N. Solar Drive  
Suite 145  
Oxnard, CA 93030  
(805) 983-8808

Bakersfield  
5329 Office Center Court  
Suite 120  
Bakersfield, CA 93309  
(661) 325-4393  
Fax (661) 322-8489

Valencia  
23861 McBean Parkway  
Suite E28  
Valencia, CA 91355  
(661) 253-2939

Lancaster  
1505 W. Avenue J  
Suite 303  
Lancaster, CA 93454  
(661) 951-9519

## Clinical Studies

### Macular Degeneration

- PDT: Visudyne™
- PDT: Miravan™
- Anti-VEGF: Macugen™
- Anti-VEGF: Lucentis™
- Anti-VEGF: Avastin™
- VISTA: PDT & Triamcinolone
- Avastin™ & PDT
- RAP: Lucentis™ & PDT
- Retane™ and Lucentis™
- NeoVista: Subretinal Radiation

### Diabetic Retinopathy

- Vitreous Hemorrhage: Vitrase™
- Fluocinolone Implant: Envision™
- Micropulse Laser
- ODME: Celebrex™
- DRCRN: Laser & Triamcinolone  
Avastin™ & Triamcinolone
- Surmodios: Triamcinolone Implant
- Oculex™ Steroid Implant
- Venous Occlusive Diseases
- SCORE: Triamcinolone
- Lucentis™ for CRVO

May 20, 2010

Dear Doctor,

Thank you for attending our semi-annual retina imaging conference that was held on May 20, 2010 at The Padre Hotel located in Bakersfield, CA. Enclosed you will find your certification of participation in continuing education form for two continuing education credits. Thanks again for attending the conference and thank you for your kind and consistent referrals!

Sincerely,

Amy Sterling  
Education Event Coordinator  
California Retina Consultants and Research Foundation

[illegible]

## COMPUTER COMMENTS:



Association of Regulatory Boards of Optometry

This Continuing Education (CE)  
Certificate of Completion

is awarded to

**Casey J. Finn**

*For the satisfactory completion of the  
following course:*

**C.S. Eye - A Clinical  
Investigation of Real  
Malpractice Cases**

COPE ID: 20144-EJ Hours: 1 hour

Category: Ethics/Jurisprudence

Date: 2010-06-09

Course Format:  
Live

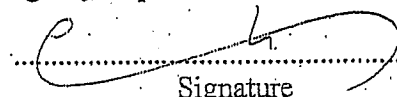
Provider:  
Tropical Ce Inc DbA Pinnacle  
Meetings Events

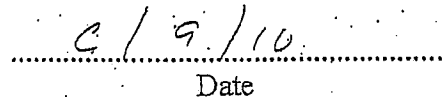
Digital Validation:  
1047979817

Media Sponsor:  
NONE

**Signature Agreement**

By signing this document, I do hereby attest that I personally attended the listed course(s) and the information included is accurate to the best of my knowledge. I understand that the information attested to in this certificate may be shared with relevant optometry licensing boards or other state agency responsible for the licensure and regulation of optometrists.

  
Signature

  
Date

# ARBO

Association of Regulatory Boards of Optometry

## This Continuing Education (CE) Certificate of Completion

is awarded to

**Casey J. Finn**

*For the satisfactory completion of the  
following course:*

### **Strategies for Minimizing Risk Factors for Your Contact Lens Patient - The Science & Facts**

COPE ID: 25004-CL Hours: 1 hour

Category: Contact Lenses

Date: 2010-06-09

Course Format:

Live

Provider:

**Tropical Ce Inc DbA Pinnacle  
Meetings Events**

Digital Validation:

769621108

Media Sponsor:

NONE

#### **Signature Agreement**

By signing this document, I do hereby attest that I personally attended the listed course(s) and the information included is accurate to the best of my knowledge. I understand that the information attested to in this certificate may be shared with relevant optometry licensing boards or other state agency responsible for the licensure and regulation of optometrists.

.....  
Signature

.....  
Date



SOUTHERN CALIFORNIA COLLEGE OF OPTOMETRY

Office of Continuing Education  
2575 Yorba Linda Boulevard • Fullerton, CA 92831-1699  
714/449-7442 • Fax 714/992-7809 • email: satkinson@scco.edu

Casey Finn, O.D.  
314 Lewisham St  
Bakersfield CA 93311

---

CERTIFICATION OF CONTINUING EDUCATION CREDIT

---

This will certify that: **Casey Finn, O.D.** Opt. License No: **8638T**

Attended: **Cornea & Cataract CE Program and Optometric Boot Camp**

Date: **Sunday, April 18th, 2010**

**Instructor(s) & Lecture Information:**

Drs. Pirnazar and D. Tran - Cataract Panel Discussion: What Every Commanding Officer Needs to Know About Cataracts!  
Dr. L. Tran - Corneal Dystrophies and Degenerations  
Drs. Carver & Hua - In the Trenches of Co-managing Cataracts  
Dr. Kersten - ICL's and the Optometric Patient  
Dr. Kao - Cataracts and Beyond: What You Need to Know About IOLs, Intacs and RLEs  
Dr. Weissman - Corneal Infiltrates, the Soldiers in the Eye

Sponsored and Administered by: **The Department of Continuing Education  
Southern California College of Optometry**

Total Continuing Education Credits Earned: **7**

---

**Susan Atkinson**  
Director, Department of Continuing Education  
Southern California College of Optometry





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Casey Finn, O.D.  
314 Lewisham Street  
Bakersfield CA 93311

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## CERTIFICATION OF CONTINUING EDUCATION CREDIT

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This will certify that: **Casey Finn, O.D.**

Opt. License No: 8638T

Attended: Advances in Ocular Disease Focus in Technology CE Program

Date: Sunday, June 13th, 2010

**Instructor(s) & Lecture Information:**

Can We Do Better in AMD? Diagnostic Considerations - John McGreal, O.D.

Optimizing the Use of Technology in Perioperative Care - Maynard Pohl, O.D.

New Developments in the Correlation of Structure to Function - Heidelberg Edge Perimetry - George Comer, O.D.

Advances in Imaging of the Anterior Segment - Mark Sawamura, O.D.

New Technology: It's Amazing - GCC and ONH - Dave Sendrowski, O.D.

Hands-On Equipment Workshop - J. Nishimoto, O.D., M.B.A.

Sponsored and Administered by: The Department of Continuing Education  
Southern California College of Optometry

Total Continuing Education Credits Earned: 9

A handwritten signature in cursive script, reading "Susan J. Atkinson".

---

Susan Atkinson  
Director, Department of Continuing Education  
Southern California College of Optometry

## CERTIFICATE OF ATTENDANCE

Administrator:

Empire Eye and Laser Center  
Mindy Caballero  
4101 Empire Drive, Suite 120  
Bakersfield, CA 93309  
p: 661-325-2927 f: 661-283-3937

Meeting Location / Date:

Seven Oaks Country Club  
2000 Grand Lakes Avenue  
Bakersfield, CA 93311  
Tuesday, July 13, 2010

Attendee Name: Losey Finn, OD

License Number / State: 8638 T

Practice Name / Address: First Sight Vision Services

8400 Rosedale Hwy ~ Bakersfield, CA 93312

Course Title: Presbyopia: The Final Frontier

Course Instructor: Daniel H. Chang, M.D.

Course Duration: 1.0 hours

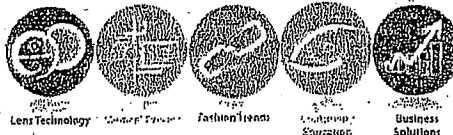
Administrator Validation: 

PLEASE NOTE: Keep this certificate as your validated record of attendance. Empire Eye and Laser Center will not notify any licensing board, or any other agency, of your attendance unless specifically required by your licensing board.

VIEW10 - 7778 Course Attendance Letter - International Vision Expo West 2010

Tue, October 19, 2010 2:15:31 PM

From: Vision Expo West <register@visionexpo.org> Add to Contacts  
To: cflamod@vsnbto.com



Conference, October 19-20, 2010 | Exhibitions, October 19-20, 2010 | Education, October 19-20, 2010 | Convention Center

Course Attendance Verification

Course Attendance Verification

10/19/2010  
CASEY FINN  
NORTH CHESTER OPTOMETRY  
314 LEWISHAM STREET  
BAKERSFIELD, CA 93311  
US  
ID # 7778

Thank you for attending the International Vision Expo West 2010 Conference.

This document verifies successful attendance of the course(s) listed and should be submitted by the conferee to the applicable State Board of Optometry/Optician or National Accreditation Agency for license renewal.

SUCCESSFULLY COMPLETED COURSES

Course Title	Course #	Date
The Must-Have Systemic Medication	12-303-S	10/6/2010
Time	Room #	Lecturer
1:30pm - 3:30pm	303-S	Bruce Onofrey, OD
Credit Hours	COPE	NCLE ABO
2	28118-PH	

Course Title	Course #	Date
The Ocular Surface And Infection	11-201-S	10/6/2010
Time	Room #	Lecturer
12:15pm - 1:15pm	201-S	Arthur Epstein, OD
Credit Hours	COPE	NCLE ABO
1	22800-AS	

Course Title	Course #	Date
What Would You Do? Difficult Co	13-201-S	10/6/2010
Time	Room #	Lecturer
3:45pm - 5:45pm	201-S	Bruce, OD Kading, OD
Credit Hours	COPE	NCLE ABO
2	28765-CL	CT10N12B-2

Course Title	Course #	Date
Are You Keeping Up	MS-200-3	10/7/2010
Time	Room #	Lecturer
12:30pm - 1:30pm		Kevin Gee, OD
Credit Hours	COPE	NCLE ABO
1	27479-PM	

Course Title	Course #	Date
New Technologies For IOP Measure	23-106-S	10/7/2010
Time	Room #	Lecturer
2:45pm - 3:45pm	106-S	Ben Gaddie, OD
Credit Hours	COPE	NCLE ABO
1	28763-PD	

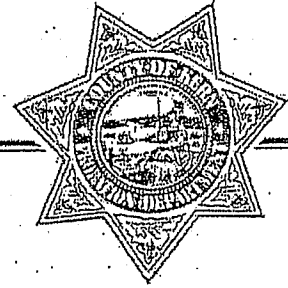
Course Title	Course #	Date
From Print To Practice: How To T	24-106-S	10/7/2010
Time	Room #	Lecturer
4:00pm - 6:00pm	106-S	Millon Hom, OD
Credit Hours	COPE	NCLE ABO
2	28771-CL	CT10N121-2

Course Title	Course #	Date
Put A Lid On It The Role Of Th	21-207-S	10/7/2010
Time	Room #	Lecturer
8:30am - 9:30am	207-S	Blair Lonsberry,

COMPLETION CERTIFICATE OF DRUG DIVERSION PURSUANT TO PC 1000  
NOTICE OF COMPLIANCE WITH #20 OF DISCIPLINARY ORDER

ATTACHMENT 4

# KERN COUNTY PROBATION DEPARTMENT



John R. Roberts  
Chief Probation Officer

Friday, September 01, 2006

Re: FINN, CASEY JON  
Case #: BM668483A  
Prob #: 10-77-59  
Diversion Granted: 3-18-05  
Attorney: ROUNDS, JOHN

Judge of the Superior Court  
1215 Truxtun Avenue  
Bakersfield, CA 93301

Your Honor:

The above referenced defendant has successfully completed drug diversion pursuant to PC 1000. I am recommending that the charge for which the defendant was diverted be dismissed.

Attached is a copy of the letter received from the PC1000 Service Provider indicating that the diversion requirement has been completed.

Sincerely,

Brenda S. Moore  
Brenda S. Moore  
Deputy Probation Officer  
Adult Division

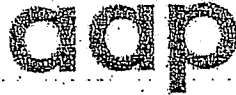
COPY ORIGINAL FILED ON: COPY  
SEP 07 2006  
SUPERIOR COURT  
METROPOLITAN DIVISION  
JUSTICE BUILDING

It is hereby ORDERED for good cause and on the recommendation of the Deputy Probation Officer that drug diversion be terminated and dismissed in the case of CASEY JON FINN.

DATE: SEP 07 2006

JUDGE STEPHEN GILDNER

JUDGE OF THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
METROPOLITAN DIVISION - JUSTICE BUILDING



Alternative Action Programs  
2575 Wagon Wheel Road  
Oxnard CA 93030-1110  
(805)988.1112 - Fax: 805.988.4883  
E-mail: dmgaassocinc@earthlink.net

DEFERRED ENTRY OF JUDGMENT

Progress Report

To: Melody Dellostritto DPO. 11-22-05  
2005 Ridge Rd. P.O Box 3309 Date  
Bakersfield, CA 93385  
Client: Casey Finn  
Case # BM668483A 5135 Wooley Rd. #3  
Court Kern County Courts Oxnard, CA 93035  
DOB 3 / 29/1957  
Program Status: XXXX Completion Non-Compliance Other

The approved Deferred Entry of Judgment Program (PC1000) consists of the following activities:

- ☐ 3 Personal Interviews
- ☐ 11 Education/Group Sessions
- ☐ 12 Self-Help Group Meetings
- ☐ For cause drug testing

The above named participant has completed the following activities:

- ☐ 3 Personal Interviews
- ☐ 11 Education/Group Sessions
- ☐ 12 Self-Help Meetings
- ☐ 2 Drug Tests

The client's fee payments are XXXX current,  delinquent.

Attendance: 0 Absences, 1 Cancellations, 0 late arrival to activities.

Comments:

Client has completed the Drug Diversion Program.

Bruce Nicholson CATS  
Signature of Case Manager

From: Jessica Sieferman (Jessica.Sieferman@dca.ca.gov)

To: cjfinnod@yahoo.com;

Date: Fri, August 13, 2010 3:29:35 PM

Cc:

Subject: Probation condition #20: Drug, Alcohol, or Other Chemical Abuse Counseling and Treatment

Hi Dr. Finn,

Thank you for resubmitting the documentation for your "Alternative Action Program." Condition #20 of your probationary terms is fulfilled.

In addition, I have contacted Karen from Phamatech and informed her of your procedure on August 23, 2010. I have made a note in your file that you will not be calling/logging in from August 21-23, 2010.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

*Jessica Sieferman*

Probation Monitor  
California State Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Phone: (916) 575-7184  
Fax: (916) 575-7292

The Board is committed to providing quality customer service. Please click on <http://www.surveymonkey.com/s/CD3TRQJ> to share your feedback. Thank you.

DISCOVERY COPY

10 THE PEOPLE OF THE STATE OF CALIFORNIA, ) NO BK05-7572  
11 ) BP CASE  
12 ) DA CASE: COM 0539664  
13 PLAINTIFF, ) PC1210.1 (PROP 36)  
14 )  
15 V. ) COMPLAINT  
16 )  
17 CASEY JON FINN )  
18 ) 66848  
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668483

20 COUNT: 001, ON OR ABOUT JANUARY 12, 2005, CASEY JON FINN, DID  
21 WILLFULLY AND UNLAWFULLY USE OR BE UNDER THE INFLUENCE OF A  
22 CONTROLLED SUBSTANCE, IN VIOLATION OF HEALTH AND SAFETY CODE  
23 SECTION 11550(A), A MISDEMEANOR.

25 | I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS:  
26 | TRUE AND CORRECT EXCEPT FOR THOSE THINGS STATED ON INFORMATION



12/12/07 MINUTE ORDER FROM LA SUPERIOR COURT DISMISSING THE CASE  
LETTER FROM ATTORNEY JOHN K. ROUNDS, ESQ. AND PLEA AGREEMENT

ATTACHMENT 5

# Law Offices of John K. Rounds

Correspondence Box 985, Santa Paula, CA 93061 johnkrounds@msn.com 805 525 4114 805 525 5510 fax  
\*Offices in Ventura and Los Angeles Counties \*California licensed Attorney and Broker  
\*Of Counsel Harper & Assoc., P.C.

Kimberlee D. King  
Deputy Attorney General  
Ronald Reagan Building  
300 South Spring St, Ste 1702  
Los Angeles, CA 90013

12/24/07

Re: Case CC 2005-104

Dear Ms. King:

Enclosed, please find a copy of the Minute Order from Mr. Finn's 12/12/07 motion to set aside the Medi-Cal conviction.

Please note the following for the Board's consideration of Mr. Finn:

- Probation has been terminated;
- The Court Ordered the plea and conviction set aside;
- A Not Guilty plea has been entered;
- The Court dismissed the case in full.

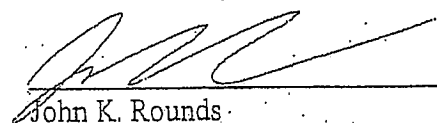
Any and all prior or pending matters have been dismissed with not guilty pleas entered. Mr. Finn was used as a dupe in the Medi-Cal matter, and has made full restitution of the wages earned while an employee (Please see 12/12/07 letter from prosecuting A.G., sent under previous cover). He did not profit from his superior's fraud. He trusted a new employer to process his billing. His mistake was not being fully aware of the employer's acts.

The Court has reviewed the entire matter and has determined Mr. Finn's debt has been paid. Please consider the facts presented and the efforts undertaken to right Mr. Finn's mistake. All charges have been dismissed and all monies have been resolved prior to adjudication.

Upon and since the disclosure of the acts of his employer, Mr. Finn has completely cooperated with authorities and has fully complied with all requests. The Court has recognized his efforts and accountability. He has been given the opportunity to rebuild his life. Please do not punish Mr. Finn for offenses that have been dismissed, after the Court has recognized Mr. Finn satisfaction of his debt to the People and State.

Thank you for your consideration. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

  
John K. Rounds

# Law Offices of John K. Rounds

Correspondence Box 986, Santa Paula, CA 93061 johnkrounds@msn.com 805 525 4114 805 525 5510 fax  
\*Offices in Ventura and Los Angeles Counties

\*California licensed Attorney and Broker  
\*Of Counsel Harper & Assoc., P.C.

Ana Finn  
15 Nevada Ave  
Ventura, CA 93004

12/17/07

Re: Dismissal

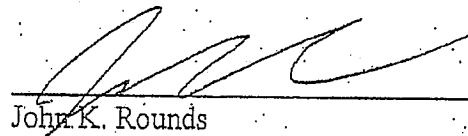
Dear Ana:

Enclosed, please find a copy of the minute order from LA Superior (12/12/07, dept 116, Judge Norman Shapero) indicating probation is terminated, plea is set aside, not guilty is entered and case is dismissed.

I will be forwarding a copy of this order, and another letter emphasizing debt to society is paid, to A.G. King (for the optom board). Enclosed, please find a copy of the most recent letter sent to her.

I will keep you updated w/any developments.

Sincerely,

  
John K. Rounds

1 BILL LOCKYER,  
2 Attorney General of the State of California  
3 MARK ZAHNER,  
4 Senior Assistant Attorney General  
5 MARCUS COHEN, State Bar No. 204982,  
Deputy Attorney General  
Bureau of Medi-Cal Fraud and Elder Abuse  
303 North Glenoaks Blvd., Suite 900  
Burbank, California 91502

6 Telephone: (818) 556-2920

7 Attorneys for the People of the State of California

8  
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

10  
11 PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 v.

14 CASEY FINN,

15 Defendants:

Case No.: BA 2453 92

16  
17 PLEA AGREEMENT

18 This document sets out the terms of the plea agreement between defendant CASEY FINN  
19 and the Attorney General of the State of California.

20 Guilty Plea

21 1. Defendant will plead guilty to Count 1 of the complaint. Count 1 alleges that CASEY  
22 FINN, with intent to defraud, presented and caused to be presented for allowance and payment a  
23 false and fraudulent claim for furnishing services and merchandise under the Medi-Cal Act, in  
24 violation of section 14107 of the Welfare and Institutions Code, a felony.

25 2. During entry of his guilty plea, defendant will waive his right to appeal all orders  
denying pre-trial motions.

26 Cooperation

27 3. Before and after sentencing, defendant will fully cooperate with law enforcement in its  
28 investigation and prosecution of health care fraud, kickbacks and any other economic crimes or

1 1) If the defendant fails to successfully comply with the terms of paragraph 6;  
2 subsection (c) (pay \$15,000 in restitution), defendant acknowledges and agrees he  
3 will be sentenced to two years State Prison.

4 d) If the defendant has complied with paragraph 6, subsection (c) (paid \$15,000 in  
5 restitution) prior to sentencing, the Attorney General will reduce count one of the  
6 complaint/ information from a felony to a misdemeanor. The defendant will be placed  
7 on three years formal probation, terms of probation to include the following:

8 1. Defendant will pay ten thousand dollars (\$10,000) to the California  
9 Department of Justice Litigation Fund. Payments will be submitted by the  
10 defendant monthly at the rate of \$250.00.

11 2. Defendant agrees to provide only truthful information and testimony  
12 pursuant to this agreement.

13 f) The defendant further agrees, during the term of probation, not to professionally  
14 associate with any individuals participating in government healthcare programs, to wit  
15 any Medicaid, Medicare, or Medi-Cal program, and to refrain from receiving any  
16 compensation for services rendered to individuals participating in any of the above  
17 mentioned government healthcare programs.

18 7. Defendant will have the right to withdraw his guilty plea if he is sentenced to more than  
19 the sentence set forth in this agreement.

20 Consequences of Violation

21  
22 8. A violation of this plea agreement relieves the non-violating party of its obligations under the  
23 agreement and extinguishes any rights granted by the agreement to the violating party. A violation  
24 also gives the non-violating party the right to be returned to its pre-agreement position, or, if the non-  
25 violating party has been prejudiced by its reliance on the agreement and cannot be returned to its pre-  
26 agreement position, the right to specific performance of the agreement.

27 9. A violation of this plea agreement by defendant has the further consequence of waiving the  
28 statute of limitations as to any crimes whose prosecution is not presently time-barred.

1 10. For purposes of this plea agreement, "violation" means a material departure from the terms  
2 of the agreement. A disagreement about whether there has been a violation of the plea agreement  
3 will be decided by the court, with the party alleging the violation having the burden of proof by a  
4 preponderance of the evidence, which may include hearsay evidence.

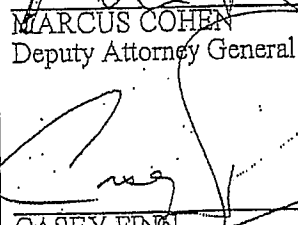
5 Entire Agreement

6 11. This plea agreement binds only the Attorney General of California, and does not bind any  
7 other federal, state or local prosecuting, administrative or regulatory authorities. Nothing in this plea  
8 agreement restricts the filing or litigation of any civil suits or administrative actions.

9 12. The terms stated in this document constitute the entire plea agreement between defendant  
10 CASEY FINN and the Attorney General. There are no other promises or conditions, and no other  
11 agreements, oral or written, modifying this plea agreement. Any prior agreements are deemed null  
12 and void. This agreement cannot be modified or superseded except by a writing signed by both  
13 parties.

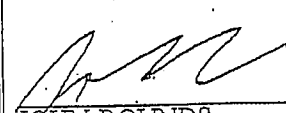
14   
15 BILL LOCKYER  
16 Attorney General

17 9/8/04  
Date

18   
19 MARCUS COHEN  
20 Deputy Attorney General

21 9/8/04  
Date

22   
23 CASEY FINN  
24 Defendant

25   
26 JOHN ROUNDS  
27 Attorney for Defendant  
28

9/8/04  
Date

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

NO. BA245392

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 08/31/05

DEFENDANT 01: CASEY JON FINN

LAW ENFORCEMENT AGENCY EFFECTING ARREST: DEPARTMENT OF JUSTICE

BAIL: DATE	APPEARANCE AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 09/08/04.

COMPLAINT, AND CERTIFICATE AND ORDER OF MAGISTRATE ARE FILED. DEFENDANT PLED  
GUILTY TO COUNT(S) (01)  
OFFENSE(S):

COUNT 01: 14107 W&I FEL - PRESNT FALSE MEDI-CAL CLAIM;  
COMMITTED ON OR ABOUT 11/30/02 IN THE COUNTY OF LOS ANGELES  
NEXT SCHEDULED EVENT:

07/26/05 830 AM CERTIFIED PLEA/SENTENCING DIST CENTRAL DISTRICT DEPT 150

ON 07/26/05 AT 830 AM IN CENTRAL DISTRICT DEPT 650

CASE CALLED FOR CERTIFIED PLEA/SENTENCING

PARTIES: DAVID M. HORWITZ (JUDGE) ROBERT SAIKI (CLERK)

JANICE CORRADI (REP) VINCENT N. BONOTTO (AG)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN ROUNDS PRIVATE COUNSEL

MATTER CONTINUED AS INDICATED BELOW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

08/10/05 830 AM CERTIFIED PLEA/SENTENCING DIST CENTRAL DISTRICT DEPT 650

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/10/05 AT 830 AM IN CENTRAL DISTRICT DEPT 650

CASE CALLED FOR CERTIFIED PLEA/SENTENCING

PARTIES: DAVID M. HORWITZ (JUDGE) ROBERT SAIKI (CLERK)

JANICE CORRADI (REP) VINCENT N. BONOTTO (AG)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN ROUNDS PRIVATE COUNSEL

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE

WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING

JUDGMENT:

AS TO COUNT (01):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON FORMAL PROBATION

FOR A PERIOD OF 003 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PLUS \$20.00 COURT SECURITY ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

DEFENDANT SHALL PAY FINE THROUGH THE PROBATION OFFICER.

TOTAL DUE: \$20.00

IN ADDITION:

-DEFENDANT IS TO MAKE RESTITUTION TO THE VICTIM PURSUANT TO

PENAL CODE SECTION 1202.4(F), IN THE AMOUNT OF \$10,000.00

@ RATE OF \$250.00 OR MORE PER MONTH, TO THE DEPT OF JUSTICE

CASE NO. BA245392  
DEF NO. 01

PAGE NO. 2  
DATE PRINTED 08/31/05

OF JUSTICE LITIGATION FUND, THROUGH THE PROBATION DEPARTMENT  
IN SUCH AMOUNT AND MANNER AS THE PROBATION OFFICER SHALL  
PRESCRIBE.

-THE DEFENDANT IS TO PAY A RESTITUTION FINE PURSUANT TO SECTION  
1202.4(B) PENAL CODE IN THE AMOUNT OF \$100.00 THROUGH THE  
PROBATION DEPARTMENT.

-KEEP PROBATION OFFICER ADVISED OF YOUR RESIDENCE AND WORK AND  
HOME TELEPHONE NUMBERS AT ALL TIMES.

-NOT OWN, USE OR POSSESS ANY DANGEROUS OR DEADLY WEAPONS,  
INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS.

-SUBMIT PERSON AND PROPERTY TO SEARCH OR SEIZURE AT ANY TIME OF  
THE DAY OR NIGHT BY ANY LAW ENFORCEMENT OFFICER OR BY PROBATION  
OFFICER WITH OR WITHOUT A WARRANT.

-OBEY ALL LAWS AND ORDERS OF THE COURT.

-OBEY ALL RULES AND REGULATIONS OF THE PROBATION DEPARTMENT.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT  
UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND

DEFENDANT AGREES TO ABIDE BY SAME.  
COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THAT THE DEFENDANT PROVIDE TWO SPECIMENS OF  
BLOOD, A SALIVA SAMPLE, RIGHT THUMBPRINT, AND A FULL PALM PRINT  
IMPRESSION OF EACH HAND FOR LAW ENFORCEMENT IDENTIFICATION  
ANALYSIS.

-DEFENDANT TO REPORT TO THE PROBATION OFFICER FORTHWITH TO THE  
ASCOT INTAKE TEAM AREA PROBATION OFFICE AT 210 W TEMPLE ST.,\  
3RD FLOOR/RM 516 LA 90012 FOR FURTHER INSTRUCTIONS.

ANY MODIFICATIONS/VIOLATIONS OF PROBATION ARE  
ARE TO BE HEARD IN DEPARTMENT 116.

PROBATION REPORT FILED  
FINGERPRINT CARD FILED.  
X-1888704

COUNT (01): DISPOSITION: CONVICTED  
DMV ABSTRACT NOT REQUIRED  
NEXT SCHEDULED EVENT:  
PROBATION IN EFFECT



THE DOCUMENT TO WHICH THIS CERTIFICATE  
ATTACHED IS A FULL, TRUE, AND CORRECT  
OF THE ORIGINAL ON FILE AND OF MY  
MY OFFICE.

AUG 31 2005

ATTEST

JOHN A. CLARKE

Executive Officer  
Court of California County of Los Angeles  
by Darryl Calhoun Deputy



LETTERS OF RECOMMENDATION

ATTACHMENT 6

Frank Giardina, MS, OD, FAAO  
Optometrist in Walmart  
2220 S. Bradley Road  
Santa Maria, CA 93455

phone: 805.925.4794  
fax: 805.922.4147

10-29-10

Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834

Dear Member of the Board,

Allow me to introduce myself. My name is Frank Giardina. I'm the Area Doctor for FirstSight Vision Services, and a practicing optometrist. I've known Dr. Casey Finn for many years. We first meet in 1982, at the time we were both optometry student at Pacific University.

Recently, Dr. Casey Finn was employed by FirstSight Vision Services in our Bakersfield location. As Area Doctor, I was his direct supervisor. Part of my responsibility was to audit patient records. Dr. Finn's record keeping was always excellent. The records were complete and meet our Standards of Patient Care. Dr. Finn was well-liked by both the staff and his patients. I never once received a patient complaint regarding Dr. Finn. I personally observed him. He has a great chair-side manner and is an experience and well-trained professional.

I am aware of the circumstances that lead to his probation. Dr. Finn was open about his situation before he was hired. He had accepted the responsibility for his actions and demonstrated a willingness to amend prior mistakes.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Santa Maria, California, October 29, 2010 by Frank Giardina.

Sincerely,

*Frank Giardina*, MS, OD, FAAO

Frank Giardina, MS, OD, FAAO

fg/fg

My name is Tom O'Leary.

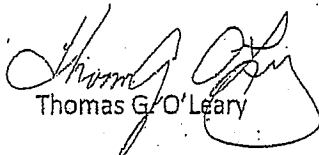
I am employed as Vice President of Pacific Coast Instruments, Inc., located in Bakersfield, CA. I started this company in 1987. The company is a Manufacturer's Representative and Distributor of Process Control Instruments.

I am also the facilitator for a Church sponsored Spiritual 12-Step Program at St. Philip the Apostle Church in Bakersfield, CA., having been in this ministry since 1996. This program is open to all faiths and to those individuals having any dysfunction in their lives. I have come to know Dr. Finn (Casey), as he came to our group in August of 2010 on his own volition, and he has been attending our meetings regularly since that time.

In our program, he has been actively involved in discussion with the group and has demonstrated a very sincere approach to dealing with his personal journey towards improving relationships with family, friends, and others in his life. I can see that he is committed to building meaning in his life. He regularly contributes very insightful ideas. Casey gets along and interacts well with others in the group. He is intelligent, articulate, and demonstrates leadership qualities with his peers.

I am aware of Dr. <sup>FINNS</sup> ~~Hinds~~ conviction in the past, as he has confided in me. I understand that he has been, and will continue to make restitution to injured parties. I strongly believe that Dr. <sup>FINNS</sup> ~~Hinds~~ should be given the opportunity to practice his profession, and contribute in a meaningful way to society.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed in Bakersfield, California on October 29, 2010.



Thomas G. O'Leary

(661)300-0882

October 26, 2010

To the Board of Optometry;

My name is Walter Jean Truax and I belong to the Lion's Club of Bakersfield, California. I have been a member of this community for many years.

I am aware of the disciplinary action against Casey Finn. I was provided with a copy of the disciplinary order from the Board of Optometry.

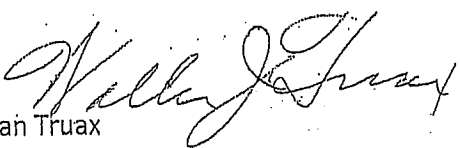
I have known Casey for several years as a local optometrist with a straight forward, caring reputation. I would often visit him at his place of employment to retrieve eye glasses and always found him to be welcoming to me.

For the past year, I have been supervising the activities of Casey Finn. Casey is responsible for retrieving used eye glasses from different organizations and sorting them for distribution to those less fortunate. Casey is always eager to work and goes above and beyond his requirements, including bi-monthly meetings with the Lion's Club.

In the time that we have started working together, I have become a friend to Casey and he has become a friend to me. He has always treated me with respect and kindness. Casey has expressed remorse in his ignorance of his past and accepts full responsibility.

I would not hesitate to recommend that Dr. Finn's probation be terminated.

Sincerely,

  
Walter Jean Truax  
(661) 831-2297

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Bakersfield, California on October 27, 2010 by Walter Jean Truax.

November 1, 2010

To the Board of Optometry:

My name is Ana Banuelos-Finn and I have been married to Casey Finn for ten years. I have been a stay at home mom since the birth of our daughter, Siena, in 2001.

I believe that there isn't anyone who knows my husband more deeply than I do. I know and lived through his convictions. I was right by his side through all the troubled times, even when we separated and lived apart.

I want to express all the positives that have transpired out of this period of turmoil. Casey Finn has undoubtedly proven his dedication to right his wrongs; not only with his family and friends, but with his profession. He has complied with every condition set by the Board and earlier with the Department of Justice. Casey has gone above and beyond what was expected of him. On his own, he reads spiritual literature, attends self-help meetings, attends church regularly and is a source of emotional support for many friends and family.

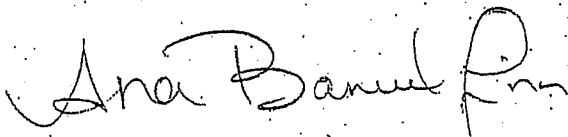
I know Casey's heart. He is a good man who made some really; simply put, stupid mistakes. I know that the man that he is today would never jeopardize his career or his life for any reason. Not only does he express his gratitude, but I can actually see how much he values everything in life. I am extremely moved by the person my husband has become.

Casey has many loyal patients that truly adore him. The elderly, the non-English speaking, all different individuals, he treats like family. His reputation in Bakersfield and Ventura is remarkable; honest, friendly and knowledgeable. And I know he loves his profession, I can see it in the way he looks forward to going to work.

Casey is an excellent optometrist, a humbled husband, and a caring father. I plead with the Board to end his probation. I truly believe he has learned many valuable lessons that will last him a lifetime and that he can pass on to our lovely daughter, Siena.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Bakersfield, California on November 1, 2010 by Ana Banuelos-Finn.

Thank you,

A handwritten signature in cursive script that reads "Ana Banuelos-Finn". The signature is fluid and written in dark ink.

Ana Banuelos-Finn

(661) 903-1772

OPTOMETRIC LITERATURE REVIEWED DURING PREVIOUS YEAR

ATTACHMENT 7

OPTOMETRIC LITERATURE REVIEWED BY  
CASEY JON FINN THROUGHOUT THE PREVIOUS YEAR

1. Optometric Management
2. Contact Lens Spectrum
3. Primary Care Optometry News
4. Review of Optometry
5. Optometry Times

VICTOR D. CONTRERAS, M.D.

Diplomate, American Board of Family Practice

10/26/10

TO: CALIFORNIA STATE BOARD OF OPTOMETRY

RE: CASEY FINN DOB:3/29/57

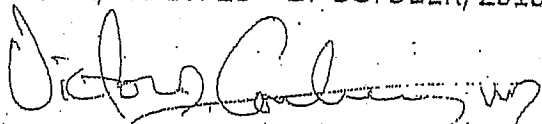
LETTER OF RECOMMENDATION

DEAR GENTLEPERSON(S):

I HAVE BEEN DR. FINN'S PRIMARY CARE PHYSICIAN OVER THE LAST FOUR YEARS. I AM AWARE OF THE DISCIPLINARY ACTION TAKEN AGAINST DR. FINN. I HAVE WATCHED HIM EMBRACE ALL PROBATIONARY REQUIREMENTS WITH THE UTMOST PROFESSIONAL ATTITUDE. I HAVE COME TO RESPECT HIS DILIGENCE AND DRIVE TO PERSEVERE OVER THESE TROUBLING CIRCUMSTANCES. OVER THE YEARS I HAVE DEVELOPED AN APPRECIATION OF DR. FINN'S INTEGRITY AND GOOD CHARACTER BY WATCHING HIM QUIETLY AND WITH DIGNITY SLOWLY REBUILDING HIS PROFESSIONAL REPUTATION. I BELIEVE THE ABOVE IS CONFIRMED BY NOTING THE YEARS OF PROBATION HE HAS COMPLETED WITHOUT ANY RECIDIVISM OR FURTHER ALLEGATIONS OF PERSONAL OR PROFESSIONAL MISCONDUCT. FORTUNATELY AT PRESENT I HAVE NO OPTOMETRIC ISSUES REQUIRING ATTENDANCE HOWEVER IF I DID I WOULD HAVE NO RESERVATION HAVING SERVICES RENDERED UNDER THE CARE OF DR. FINN.

I DECLARE UNDER PENALTY OF PERJURY UNDER LAW OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED IN SANTA PAULA, CA. ON 26<sup>TH</sup> OF OCTOBER, 2010.



VICTOR D. CONTRERAS, M.D.  
126 N. TENTH STREET SANTA PAULA, CA 93060

PH # (805) 525-4446 FAX # (805) 525-7211



My name is Richard Banuelos. I own Specialty Bathtub Refinishing Company in Ventura, California.

I have known Casey Finn for over fifteen years, ten of those as my brother in law.

I first met Casey as my Optometrist. I went to him because of his honest reputation. He had the patience to listen and answer all my questions and concerns. I know many of his patients and that reputation still holds true today.

I am completely aware of Casey's convictions and the struggles he's endured. I have seen a family man hit rock bottom and lose it all.

I have also seen Casey persevere. I saw him accept full responsibility for his mistakes and truly learn from them. Never making excuses for what happened, and certainly never repeating them. He threw himself into church, twelve step programs and anything that offered insight into why he made such mistakes. He worked harder than ever, at one point commuting to Bakersfield from Ventura and back every day for close to two years.

I have witnessed Casey rebuild his marriage. A day at a time, becoming a better husband and father to their nine year old daughter. They have been happily reunited for almost three years.

I am impressed at his determination and ability to maintain complete sobriety for more than five years.

Casey is one of my closest friends. Through him I have learned many lessons. Humility, perseverance, faith, the list can go on indefinitely. Without a doubt, I know that Casey Finn is an honest, trustworthy man who deserves a chance to live a normal life again.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Ventura, California on October 29, 2010 by Richard Banuelos.

Thank you,



Richard Banuelos  
(805)415-3427

ALAN J. GOULD  
ALSO MEMBER OF  
NEW YORK AND D.C. BAR

ROBERT F. HAHN

LAW OFFICES OF  
**GOULD & HAHN**  
5801 CHRISTIE AVENUE, SUITE 385  
EMERYVILLE, CALIFORNIA 94608  
TELEPHONE: (510) 428-2229  
FAX: (510) 428-2232  
e-mail: law@gouldhahn.com

THOMAS E. LOMBARDI  
OF COUNSEL  
LOS ANGELES, CALIFORNIA

November 10, 2010

Ms. Mona Maggio, Executive Officer  
Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834

Re: Petition for Early Termination of Probation  
Casey Jon Finn, OD  
Request for placement on the January 2011 agenda

Dear Ms. Maggio:

The following is information that you may need to process Mr. Finn's Petition for Early Termination of probation. I am sending you the addresses, as he knows them, of the location of offices where he practiced Optometry prior to the Board action. This information was inadvertently left out of the packet forwarded you under separate cover. I apologize for any inconvenience this may cause.

Location of Practice Prior to Discipline

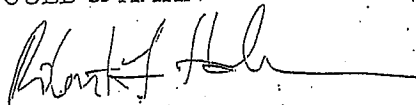
3295 East Main Street  
Ventura, CA 93003  
1999-2008

Glendale, CA 2002-2003 ( address unknown)  
2002-2003

3001 Ming Ave  
Bakersfield, CA 93304  
2006-2008

Very truly yours,

GOULD & HAHN



Robert F. Hahn

RFH:bc

ALAN J. GOULD  
ALSO MEMBER OF  
NEW YORK AND D.C. BAR

ROBERT F. HAHN

LAW OFFICES OF

GOULD & HAHN

5501 CHRISTIE AVENUE, SUITE 385

EMERYVILLE, CALIFORNIA 94608

TELEPHONE: (510) 428-2229

FAX: (510) 428-2232

e-mail: law@gouldhahn.com

THOMAS E. LOMBARDI  
OF COUNSEL  
LOS ANGELES, CALIFORNIA

2011 MAY 25 AM 10:04

May 25, 2011

Ms. Mona Maggio, Executive Officer  
Board of Optometry  
2420 Del Paso Road, Suite 255  
Sacramento, CA 95834

Re: Addendum to Petition for Early Termination of Probation  
Casey Jon Finn, OD  
June 21, 2011 Meeting of the Board

Dear Ms. Maggio:

In preparing for the presentation before the Board on Mr. Finn's Petition for Early Termination of Probation, I came across a statement that with additional information, will clarify the chronology of the Medi-Cal conviction so that there is no confusion regarding the status of Mr. Finn's criminal record.

On September 8, 2004, Mr. Finn entered into a Plea Agreement, attached to the Petition as Attachment 5, whereby he pled guilty to Count 1 of the Complaint alleging that he allowed to be presented for payment a fraudulent claim for furnishing services under the Medi-Cal Act, a felony.

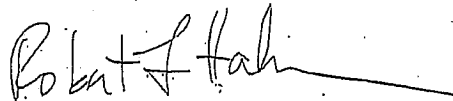
The Court reduced the felony to a misdemeanor prior to sentencing under paragraph d) of the Plea Agreement.

On December 12, 2007, the plea and conviction were set aside and the case dismissed in full.

Thank you for your attention to this matter.

Very truly yours,

GOULD & HAHN



Robert F. Hahn

RFH:bc

BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. CC 2005-104

CASEY JON FINN, O.D.  
3295 E. Main Street  
Ventura, CA 93003

Optometry License No. 8638

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective July 17, 2008.

It is so ORDERED June 17, 2008.



LEE A. GOLDSTEIN, O.D., MPA  
PRESIDENT  
BOARD OF OPTOMETRY

BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )

Case No. CC 2005-104

**CASEY JON FINN, O.D.** )

3295 E. Main Street )

Ventura, CA 93003 )

Optometry License No. 8638 )

Respondent. )

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective July 17, 2008.

It is so ORDERED June 17, 2008.



LEE A. GOLDSTEIN, O.D., MPA  
PRESIDENT  
BOARD OF OPTOMETRY

1 EDMUND G. BROWN JR., Attorney General  
2 of the State of California  
3 JENNIFER S. CADY  
4 Supervising Deputy Attorney General  
5 KIMBERLEE D. KING, State Bar No. 141813  
6 Deputy Attorney General  
7 California Department of Justice  
8 300 So. Spring Street, Suite 1702  
9 Los Angeles, CA 90013  
10 Telephone: (213) 897-2581  
11 Facsimile: (213) 897-2804

12 Attorneys for Complainant

13 **BEFORE THE**  
14 **BOARD OF OPTOMETRY**  
15 **DEPARTMENT OF CONSUMER AFFAIRS**  
16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

Case No. CC 2005-104

18 CASEY JON FINN  
19 3295 E. Main Street  
20 Ventura, CA 93003

21 **STIPULATED SETTLEMENT AND**  
22 **DISCIPLINARY ORDER**

23 Optometry License No. 8638

24 Respondent.

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
26 above-entitled proceedings that the following matters are true:

27 PARTIES

28 1. Taryn Smith (Complainant) is the Executive Officer of the Board of  
Optometry. She brought this action solely in her official capacity and is represented in this  
matter by Edmund G. Brown Jr., Attorney General of the State of California, by Kimberlee D.  
King, Deputy Attorney General.

2. Respondent Casey Jon Finn (Respondent) is represented in this proceeding  
by attorney John K. Rounds, whose address is Law Offices of John K. Rounds, Correspondence  
Box 985, Santa Paula, CA 93061.

3. On or about February 2, 1987, the Board of Optometry issued Optometry License No. 8638 to Casey Jon Finn (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. CC 2005-104 and will expire on March 31, 2009, unless renewed.

## JURISDICTION

4. Accusation No. CC 2005-104 was filed before the Board , and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 20, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. CC 2005-104 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. CC 2005-104. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. CC 2005-104.

9. Respondent agrees that his Optometry License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Optometry. Respondent understands and agrees that counsel for Complainant and the enforcement staff of the Board of Optometry may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

## OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Optometry License No. 8638 issued to Respondent Casey Jon Finn (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Actual Suspension.** Optometry License issued to Respondent Casey Jon Finn is suspended for a period of ten (10) days.

///



1                   2.       **Obey All Laws.** Respondent shall obey all federal, state and local laws,  
2 and all rules governing the practice of optometry in California.

3                   3       **Cooperate with Probation Surveillance.** Respondent shall comply with  
4 the board's probation surveillance program; including but not limited to allowing access to the  
5 probationer's optometric practice(s) and patient records upon request of the board or its agent.

6                   4.       **Comply With The Board's Probation Program.** Respondent shall fully  
7 comply with the conditions of the Probation Program established by the Board and cooperate  
8 with representatives of the Board in its monitoring and investigation of the Respondent's  
9 compliance with the Board's Probation Program.

10                         Respondent shall inform the Board in writing within no more than 15 days of  
11 any address change and shall at all times maintain an active, current license status with the  
12 Board, including during any period of suspension.

13                         Respondent shall, at his own expense, report in person to the Board's headquarters  
14 in Sacramento within three (3) months of the effective date of the Board's decision, and as the  
15 Board deems necessary if it is determined that Respondent may not be compliant with any of the  
16 terms or conditions of his probation.

17                   5.       **Interviews.** Respondent shall appear in person for interviews with a  
18 Board representative upon request at various intervals and with reasonable notice.

19                   6.       **Submit Written Reports.** Respondent, during the period of probation,  
20 shall submit or cause to be submitted such written reports/declarations and verification of actions  
21 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
22 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
23 Program. Respondent shall immediately execute all release of information forms as may be  
24 required by the Board or its representatives. Respondent shall provide a copy of this decision to  
25 the optometric regulatory agency in every state and territory in which he has an optometry  
26 license.

27                   7.       **Function as an Optometrist.** Respondent, during the period of probation,  
28 shall engage in the practice of optometry in California for a minimum of 24 hours per week for 6

consecutive months or as determined by the Board. For purposes of compliance with the section, "engage in the practice of optometry" may include, when approved by the Board, volunteer work as an optometrist, or work in any non-direct patient care position that requires licensure as an optometrist. If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as an optometrist. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as an optometrist upon request of the Board. Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any optometric or other health care related employment. In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he she obtains any optometric or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any optometric, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

9. **Residency, Practice, or Outside of State.** Any period of residency or practice as an optometrist outside of the State of California shall not apply toward a reduction of this probation time period. Respondents probation is tolled, any time he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside California, and within 30 days prior to re-establishing residency or returning to practice in California. Respondent shall provide a list of all states and territories where he has ever been licensed as an optometrist. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of

1 probation. Respondent shall inform the Board if he applies for or obtains a new optometry  
2 license during the term of probation. Within 30 days of the Board's Decision, Respondent shall  
3 provide a copy of the Board's Decision and Order to the Optometry Board of any other state  
4 where he is currently licensed or becomes licensed to practice optometry.

5           11.     **Cost Recovery.** Respondent shall pay to the Board, costs associated with  
6 its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the  
7 amount of \$3600. Respondent shall be permitted to pay these costs in a payment plan approved  
8 by the Board, with payments to be completed no later than six months prior to the end of the  
9 probation term.

10           If Respondent has not complied with this condition during the probationary term,  
11 and Respondent has presented sufficient documentation of his or her good faith efforts to comply  
12 with this condition, and if no other conditions have been violated, the Board, in its discretion,  
13 may grant an extension of the Respondent's probation period up to one year without further  
14 hearing in order to comply with this condition. During the one year extension, all original  
15 conditions of probation will apply.

16           12.     **Completion of Probation.** Upon successful completion of probation,  
17 Respondent's certificate will be fully restored.

18           13.     **Violation of Probation.** If Respondent violates probation in any respect,  
19 the board, after giving Respondent notice and opportunity to be heard, may revoke probation and  
20 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
21 filed against Respondent during probation, the board shall have continuing jurisdiction until the  
22 matter is final, and the period of probation shall be extended until the matter is final.

23           14.     **Drugs & Abstain From Use.** Respondent shall abstain completely from  
24 the personal use or possession of controlled substances as defined in the California Uniform  
25 Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and  
26 Professions Code or any drugs requiring a prescription.

27           15.     **Drugs - Exception for Personal Illness.** Orders forbidding Respondent  
28 from personal use or possession of controlled substances or dangerous drugs do not apply to

1 medications lawfully prescribed to Respondent for a bona fide illness or condition by a licensed  
2 physician.

3           16.     **Alcohol - Abstain From Use.** Respondent shall abstain completely from  
4 the use of alcoholic beverages.

5           17.     **Biological Fluid Testing.** Respondent shall immediately submit to  
6 biological fluid testing, at Respondent's cost, upon the request of the board or its designee.

7           18.     **Community Services - Free Services.** Within 60 days of the effective  
8 date of this decision, Respondent shall submit to the board for its prior approval a community  
9 service program in which Respondent shall provide free non-optometric services on a regular  
10 basis to a community or charitable facility or agency for at least fifteen (15) hours a month for the  
11 first two (2) years of probation.

12           19.     **Education Course.** Within 90 days of the effective date of this decision,  
13 and on an annual basis thereafter, Respondent, at his own expense, shall enroll and successfully  
14 complete 40 hours of continuing education courses per year for each year of probation that are  
15 relevant to the practice of optometry. These course shall be in addition to the courses required for  
16 license renewal. At least one of the courses shall be on ethics. Respondent shall obtain prior  
17 approval from the Board before enrolling in the ethics course. The courses are to be completed  
18 no later than six months prior to the end of his probationary term. Respondent shall submit to the  
19 Board the original transcripts or certificates of completion for the above required courses. The  
20 Board shall return the original documents to the respondent after photocopying them for its  
21 records.

22           20.     **Drug, Alcohol, or Other Chemical Abuse Counseling and**  
23 **Treatment.** Within 15 days of the effective date of this decision, Respondent shall submit the  
24 name, business address and business telephone number of three persons who are professionally  
25 qualified to provide counseling and treatment for drug, alcohol or other chemical abuse  
26 appropriate to the case. Thereafter the board through its staff shall select one of these persons to  
27 provide the necessary counseling and treatment. Within 30 days of written notification of this  
28 selection to the Respondent the Respondent shall, in consultation with this counselor and treating

1 professional, prepare and submit to the board for its approval, a counseling and treatment  
2 program all costs of which shall be paid by the Respondent. Respondent shall successfully  
3 complete this counseling and treatment program as a condition of probation.

4 20. **Supervised Environment.** Within 60 days of the effective date of this  
5 decision, Respondent shall submit to the Board, for its prior approval, the name and  
6 qualifications of one or more proposed supervisors and a plan for each such supervisor by which  
7 Respondent's practice would be supervised. Respondent shall not practice until receiving  
8 notification of Board approval of Respondent's choice of a supervisor. The plan of supervision  
9 shall be general and not require the physical presence of the supervising optometrist during the  
10 time optometric procedures are performed, but does require an occasional random check of the  
11 work performed on the patient. Additionally, the supervisor shall have full and random access to  
12 all patient records of Respondent. Each proposed supervisor shall be a California licensed  
13 optometrist who shall submit written reports to the Board on a quarterly basis verifying that  
14 supervision has taken place as required and include an evaluation of Respondent's performance.  
15 It shall be Respondent's responsibility to assure that the required reports are filed in a timely  
16 manner. The supervisor shall be independent, with no prior business or professional relationship  
17 with Respondent and the supervisor shall not be in a familial relationship with or be an  
18 employee, (including independent contractor) partner or associate of Respondent. If the  
19 supervisor terminates or is otherwise no longer available, Respondent shall not practice until a  
20 new supervisor has been approved by the Board. All costs of the supervision shall be borne by  
21 the Respondent.

22 21. **License surrender** - During Respondent's term of probation, if he ceases  
23 practicing due to retirement or health reasons, or is otherwise unable to satisfy the conditions of  
24 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
25 evaluate Respondent's request and to exercise its discretion whether or not to grant the request,  
26 or to take any other action deemed appropriate and reasonable under the circumstances, without  
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent

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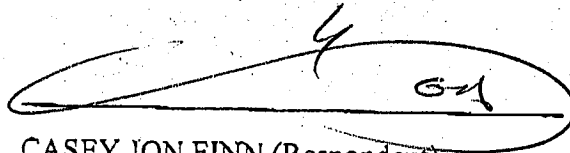
Optometrist OK  
per memo 7/20/53

will no longer be subject to the conditions of probation, except he may be subject to reimbursing the Board for its costs of investigation and prosecution upon a petition for reinstatement.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John K. Rounds. I understand the stipulation and the effect it will have on my Optometry License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Optometry.


DATED: 1/10/08

A handwritten signature of Casey Jon Finn, consisting of a stylized 'C' and 'J' followed by 'FINN', enclosed in an oval.

CASEY JON FINN (Respondent)  
Respondent

I have read and fully discussed with Respondent Casey Jon Finn the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/11/08

A handwritten signature of John K. Rounds, appearing as 'J. K. Rounds' in a cursive style, followed by a horizontal line.

JOHN K. ROUNDS  
Attorney for Respondent

///

///

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Board of Optometry, Department of Consumer Affairs.

4  
5 DATED: January 11, 2008

6 EDMUND G. BROWN JR., Attorney General  
7 of the State of California

8 JENNIFER S. CADY  
9 Supervising Deputy Attorney General

10 Kimberlee King  
11 KIMBERLEE D. KING  
12 Deputy Attorney General

13 Attorneys for Complainant

14 DOJ Matter ID: LA2006601188  
15 60228648.wpd  
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**Exhibit A**

**Accusation No. CC 2005-104**



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF OPTOMETRY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. CC 2005-104

13 CASEY JON FINN  
14 3295 E. Main Street  
15 Ventura, CA 93003

**A C C U S A T I O N**

Optometry License No. 8638

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Taryn Smith (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Optometry (Board), Department of Consumer Affairs.

20 2. On or about February 2, 1987, the Board issued Optometry License No. 8638 to  
21 Casey Jon Finn (Respondent). The Optometry License was in full force and effect at all times  
22 relevant to the charges brought herein and will expire on March 31, 2007, unless renewed.

23 **JURISDICTION**

24 3. This Accusation is brought before the Board, under the authority of the following  
25 laws. All section references are to the Business and Professions Code unless otherwise indicated.

26 4. Section 3090 of the Code states:

27 "Except as otherwise provided by law, the board may take action against all  
28 persons guilty of violating this chapter or any of the regulations adopted by the board. The board

1 shall enforce and administer this article as to licenseholders, and the board shall have all the  
2 powers granted in this chapter for these purposes, including, but not limited to, investigating  
3 complaints from the public, other licensees, health care facilities, other licensing agencies, or any  
4 other source suggesting that an optometrist may be guilty of violating this chapter or any of the  
5 regulations adopted by the board."

6 5. Section 3106 of the Code states:

7 "Knowingly making or signing any certificate or other document directly or  
8 indirectly related to the practice of optometry that falsely represents the existence or nonexistence  
9 of a state of facts constitutes unprofessional conduct."

10 6. Section 3110 of the Code states:

11 "The board may take action against any licensee who is charged with  
12 unprofessional conduct, and may deny an application for a license if the applicant has committed  
13 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct  
14 includes, but is not limited to, the following:

15 "(a) Violating or attempting to violate, directly or indirectly assisting in or  
16 abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules  
17 and regulations adopted by the board pursuant to this chapter.

18 . . . .

19 "(e) The commission of fraud, misrepresentation, or any act involving dishonesty  
20 or corruption, that is substantially related to the qualifications, functions, or duties of an  
21 optometrist.

22 . . . .

23 "(k) Conviction of a felony or of any offense substantially related to the  
24 qualifications, functions, and duties of an optometrist, in which event the record of the conviction  
25 shall be conclusive evidence thereof.

26 7. Section 490 of the Code states:

27 "A board may suspend or revoke a license on the ground that the licensee has been  
28 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties

1 of the business or profession for which the license was issued. A conviction within the meaning  
2 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
3 contendere. Any action which a board is permitted to take following the establishment of a  
4 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
5 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
6 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
7 Penal Code."

8 8. Section 810 of the Code states:

9 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
10 including suspension or revocation of a license or certificate, for a health care professional to do  
11 any of the following in connection with his or her professional activities:

12 "(1) Knowingly present or cause to be presented any false or fraudulent claim for  
13 the payment of a loss under a contract of insurance.

14 "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or  
15 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

16 "(b) It shall constitute cause for revocation or suspension of a license or certificate  
17 for a health care professional to engage in any conduct prohibited under Section 1871.4 of the  
18 Insurance Code or Section 549 or 550 of the Penal Code.

19 "(c) (1) It shall constitute cause for automatic suspension of a license or certificate  
20 issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with  
21 Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with  
22 Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic  
23 Act or the Osteopathic Act, if a licensee or certificate holder has been convicted of any felony  
24 involving fraud committed by the licensee or certificate holder in conjunction with providing  
25 benefits covered by worker's compensation insurance, or has been convicted of any felony  
26 involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the  
27 Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant to  
28 Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of

1 Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary  
2 hearing to determine whether or not the license or certificate shall be suspended, revoked, or  
3 some other disposition shall be considered, including, but not limited to, revocation with the  
4 opportunity to petition for reinstatement, suspension, or other limitations on the license or  
5 certificate as the board deems appropriate."

6 9. California Code of Regulations, title 16, section 1517 states:

7 "For the purpose of denial, suspension, or revocation of the certificate of  
8 registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the  
9 Code, a crime or act shall be considered to be substantially related to the qualifications,  
10 functions, and duties of an optometrist if to a substantial degree it evidences present or potential  
11 unfitness of an optometrist to perform the functions authorized by his/her certificate of  
12 registration in a manner consistent with the public health, safety, or welfare.

13 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
14 the administrative law judge to direct a licentiate found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

#### 17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of a Substantially Related Crime)

19 12. Respondent is subject to disciplinary action under section 3110, subdivision (k)  
20 and 490, in conjunction with California Code of Regulations, title 16, section 1517, in that  
21 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
22 duties of a licensed optometrist, as follows:

23 a. On or about August 10, 2005, Respondent plead guilty to and was  
24 convicted by the Court for violating one count of Welfare and Institutions Code section 14107, a  
25 felony (presenting false Medi-Cal claims), in the Superior Court of California, County of Los  
26 Angeles, Central Judicial District, Case No. BA245393 entitled *The People of the State of*  
27 *California v. Casey Finn.*

28 ///

1           b.       The circumstances surrounding the conviction are that about November,  
2 2002 to March, 2003, Respondent presented false and fraudulent claims for furnishing  
3 professional services and merchandise to patients, under the Medi-Cal Act.

4                               SECOND CAUSE FOR DISCIPLINE

5                               (Fraud, Misrepresentation, or Acts Involving Dishonesty)

6           13.     Respondent is subject to disciplinary action under section 3110, subdivisions (a)  
7 and (e), on the grounds of unprofessional conduct, in that from on or about November, 2002 to  
8 March, 2003, Respondent committed fraud, misrepresentation, or acts involving dishonesty by  
9 presenting false Medi-Cal claims, as more fully set forth above in paragraph 12.

10                              THIRD CAUSE FOR DISCIPLINE

11                              (Knowingly Presenting False or Fraudulent Claims)

12           14.     Respondent is subject to disciplinary action under section 3110, subdivision (a)  
13 and 3106 of the Code, on the grounds of unprofessional conduct, for violating section 810, in that  
14 from about November, 2002 to March, 2003, Respondent knowingly made, signed, and falsely  
15 presented false Medi-Cal claims for professional services, as more fully set forth above in  
16 paragraph 12.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Optometry License No. 8638, issued to Casey Jon Finn.
2. Ordering Casey Jon Finn to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/27/07

  
TARYN SMITH  
Executive Officer  
Board of Optometry  
State of California  
Complainant

LA2006601188  
60183418.wpd  
jz (12/13/06)

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF OPTOMETRY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. CC-2005-104

12 CASEY JON FINN  
3295 E. Main Street  
13 Ventura, CA 93003

**FIRST AMENDED  
ACCUSATION**

14 Optometry License No. 8638

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Taryn Smith (Complainant) brings this First Amended Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Optometry (Board), Department of  
21 Consumer Affairs.

22 2. On or about February 2, 1987, the Board issued Optometry License No. 8638 to  
23 Casey Jon Finn (Respondent). The Optometry License was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on March 31, 2009, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

1           4.     Section 3090 of the Code states:

2                 "Except as otherwise provided by law, the board may take action against all  
3 persons guilty of violating this chapter or any of the regulations adopted by the board. The board  
4 shall enforce and administer this article as to licenseholders, and the board shall have all the  
5 powers granted in this chapter for these purposes, including, but not limited to, investigating  
6 complaints from the public, other licensees, health care facilities, other licensing agencies, or any  
7 other source suggesting that an optometrist may be guilty of violating this chapter or any of the  
8 regulations adopted by the board."

9           5.     Section 3106 of the Code states:

10                "Knowingly making or signing any certificate or other document directly or  
11 indirectly related to the practice of optometry that falsely represents the existence or  
12 nonexistence of a state of facts constitutes unprofessional conduct."

13           6.     Section 3110 of the Code states:

14                "The board may take action against any licensee who is charged with  
15 unprofessional conduct, and may deny an application for a license if the applicant has committed  
16 unprofessional conduct. In addition to other provisions of this article, unprofessional conduct  
17 includes, but is not limited to, the following:

18                "(a) Violating or attempting to violate, directly or indirectly assisting in or  
19 abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules  
20 and regulations adopted by the board pursuant to this chapter.

21                ....

22                "(e) The commission of fraud, misrepresentation, or any act involving dishonesty  
23 or corruption, that is substantially related to the qualifications, functions, or duties of an  
24 optometrist.

25                ....

26                "(k) Conviction of a felony or of any offense substantially related to the  
27 qualifications, functions, and duties of an optometrist, in which event the record of the  
28 conviction shall be conclusive evidence thereof.



1           "(1) Administering to himself or herself any controlled substance or using any of  
2 the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a  
3 manner, as to be dangerous or injurious to the person applying for a license or holding a license  
4 under this chapter, or to any other person, or to the public, or to the extent that the use impairs  
5 the ability of the person applying for or holding a license to conduct with safety to the public the  
6 practice, authorized by the license, or the conviction of a misdemeanor or felony involving the  
7 use, consumption, or self administration of any of the substances referred to in this subdivision,  
8 or any combination thereof."

9           7.       Section 490 of the Code states:

10           "A board may suspend or revoke a license on the ground that the licensee has  
11 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
12 duties of the business or profession for which the license was issued. A conviction within the  
13 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
14 contendere. Any action which a board is permitted to take following the establishment of a  
15 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
16 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
17 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
18 Penal Code."

19           8.       Section 810 of the Code states:

20           "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
21 including suspension or revocation of a license or certificate, for a health care professional to do  
22 any of the following in connection with his or her professional activities:

23           "(1) Knowingly present or cause to be presented any false or fraudulent claim for  
24 the payment of a loss under a contract of insurance.

25           "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or  
26 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

27       ///

1                   “(b) It shall constitute cause for revocation or suspension of a license or  
2 certificate for a health care professional to engage in any conduct prohibited under Section  
3 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

4                   “(c) (1) It shall constitute cause for automatic suspension of a license or  
5 certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5  
6 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7  
7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to  
8 the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has been convicted  
9 of any felony involving fraud committed by the licensee or certificate holder in conjunction with  
10 providing benefits covered by worker's compensation insurance, or has been convicted of any  
11 felony involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction  
12 with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant  
13 to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200),  
14 of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a  
15 disciplinary hearing to determine whether or not the license or certificate shall be suspended,  
16 revoked, or some other disposition shall be considered, including, but not limited to, revocation  
17 with the opportunity to petition for reinstatement, suspension, or other limitations on the license  
18 or certificate as the board deems appropriate.”

19           9.       California Code of Regulations, title 16, section 1517 states:

20                   "For the purpose of denial, suspension, or revocation of the certificate of  
21 registration of an optometrist pursuant to Division 1.5 (commencing with Section 475) of the  
22 Code, a crime or act shall be considered to be substantially related to the qualifications,  
23 functions, and duties of an optometrist if to a substantial degree it evidences present or potential  
24 unfitness of an optometrist to perform the functions authorized by his/her certificate of  
25 registration in a manner consistent with the public health, safety, or welfare.

26       ///

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10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11. "Methamphetamine," is a schedule II controlled substance, as defined by Health and Safety Code Section 11055(d)(2) and is categorized as a "dangerous drug" pursuant to section 4022 of the Business and Professional Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent is subject to disciplinary action under section 3110, subdivision (k) and 490, in conjunction with California Code of Regulations, title 16, section 1517, in that Respondent has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed optometrist, as follows:

a. On or about August 10, 2005, Respondent plead guilty to and was convicted by the Court for violating one count of Welfare and Institutions Code section 14107, a felony (presenting false Medi-Cal claims), in the Superior Court of California, County of Los Angeles, Central Judicial District, Case No. BA245393 entitled *The People of the State of California v. Casey Finn*.

b. The circumstances surrounding the conviction are that about November, 2002 to March, 2003, Respondent presented false and fraudulent claims for furnishing professional services and merchandise to patients, under the Medi-Cal Act.

SECOND CAUSE FOR DISCIPLINE

(Fraud, Misrepresentation, or Acts Involving Dishonesty)

13. Respondent is subject to disciplinary action under section 3110, subdivisions (a) and (e), on the grounds of unprofessional conduct, in that from on or about November, 2002 to March, 2003, Respondent committed fraud, misrepresentation, or acts involving dishonesty by presenting false Medi-Cal claims, as more fully set forth above in paragraph 12.

### THIRD CAUSE FOR DISCIPLINE

1 (Knowingly Presenting False or Fraudulent Claims)

2 14. Respondent is subject to disciplinary action under section 3110, subdivision (a)  
3 and 3106 of the Code, on the grounds of unprofessional conduct, for violating section 810, in  
4 that from about November, 2002 to March, 2003, Respondent knowingly made, signed, and  
5 falsely presented false Medi-Cal claims for professional services, as more fully set forth above in  
6 paragraph 12.

7 FOURTH CAUSE OF ACTION

8 (Self-Administering a Controlled Substance)

9 15. Respondent is subject to disciplinary action under section 3110, subdivision (l), of  
10 the Business and Professions Code for violating Health and Safety Code section 11550,  
11 subdivision (a), in that Respondent, by his own admission, knowingly and willingly, ingested  
12 Methamphetamine, an illegal controlled substance. The circumstances are that on or about  
13 January 12, 2005, medical personnel and Bakersfield police officers were called to Howard's  
14 Mini Mart located in Bakersfield, California for a possible overdose of Methamphetamine.  
15 Respondent reported that he had called for medical aid due to a possible heart attack or panic  
16 attack. He displayed symptoms of Methamphetamine influence which included agitation,  
17 accelerated and repetitive speech, fixed pupils which reacted slowly to light and elevated blood  
18 pressure. Respondent admitted to the police and medical personnel that he used  
19 methamphetamine earlier that day.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
22 alleged, and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Optometry License No. 8638, issued to Casey  
24 Jon Finn.

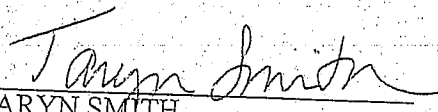
25 2. Ordering Casey Jon Finn to pay the Board the reasonable costs of the  
26 investigation and enforcement of this case, pursuant to Business and Professions Code section  
27 125.3.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/22/07



TARYN SMITH  
Executive Officer  
Board of Optometry  
State of California  
Complainant

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